



Joint Committee of the Senate and the House of Commons

ON

CAPITAL AND CORPORAL PUNISHMENT AND LOTTERIES

Joint Chairmen:—The Honourable Senator Salter A. Hayden

and

Mr. Don F. Brown, M.P.

MINUTES OF PROCEEDINGS AND EVIDENCE

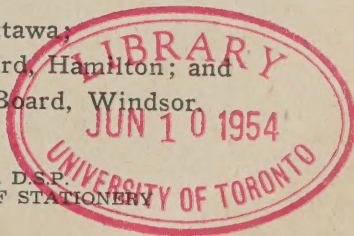
No. 13

THURSDAY, MAY 13, 1954

WITNESSES:

*Representing Board of Evangelism and Social Service,
The United Church of Canada:*

Rev. A. Lloyd Smith, Chairman of the Board, Montreal;
Rev. J. R. Mutchmor, Secretary of the Board, Toronto;
Rev. C. H. Ferguson, President, Montreal and Ottawa Conference,
Kemptville;
Rev. Hugh Rae, Member of the Board, Ottawa;
Mr. Reginald Gardiner, Member of the Board, Hamilton; and
Mr. J. Morley Lawrence, Member of the Board, Windsor.



COMMITTEE MEMBERSHIP

For the Senate (10)

Hon. Walter M. Aseltine	Hon. Salter A. Hayden (<i>Joint Chairman</i>)
Hon. Elie Beauregard	Hon. Nancy Hodges
Hon. Paul Henri Bouffard	Hon. John A. McDonald
Hon. John W. de B. Farris	Hon. Arthur W. Roebuck
Hon. Muriel McQueen Fergusson	Hon. Clarence Joseph Veniot

For the House of Commons (17)

Miss Sybil Bennett	Mr. A. R. Lusby
Mr. Maurice Boisvert	Mr. R. W. Mitchell
Mr. Don F. Brown (<i>Joint Chairman</i>)	Mr. H. J. Murphy
Mr. J. E. Brown	Mr. F. D. Shaw
Mr. A. J. P. Cameron	Mrs. Ann Shipley
Mr. Hector Dupuis	Mr. Ross Thatcher
Mr. F. T. Fairey	Mr. Phillippe Valois
Mr. E. D. Fulton	Mr. H. E. Winch
Hon. Stuart S. Garson	

A. SMALL,
Clerk of the Committee.

MINUTES OF PROCEEDINGS

THURSDAY, May 13, 1954.

The Joint Committee of the Senate and the House of Commons on Capital and Corporal Punishment and Lotteries met at 11.00 a.m. The Joint Chairman, Mr. Don. F. Brown, presided.

Present:

The Senate: The Honourable Senators Aseltine, Bouffard, Fergusson, Hodges, McDonald, and Veniot—(6).

The House of Commons: Miss Bennett, Messrs. Boisvert, Brown (*Brantford*), Brown (*Essex West*), Cameron (*High Park*), Fairey, Mitchell (*London*), Shaw, Shipley (Mrs.), Thatcher, and Winch—(11).

In attendance:

Representing the Board of Evangelism and Social Service of The United Church of Canada:

Reverend A. Lloyd Smith, Chairman of the Board, Montreal, Quebec; Reverend J. R. Mutchmor, Secretary of the Board, Toronto, Ontario; Reverend C. H. Ferguson, President, Montreal and Ottawa Conference, Kemptville, Ontario; Reverend Hugh Rae, member of the Board, Ottawa, Ontario; Mr. Reginald Gardiner, member of the Board, Hamilton, Ontario; and Mr. J. Morley Lawrence, member of the Board, Windsor, Ontario.

Counsel to the Committee: Mr. D. G. Blair.

On motion of the Honourable Senator McDonald, seconded by the Honourable Senator Veniot, the Honourable Senator Nancy Hodges was elected to act for the day on behalf of the Joint Chairman representing the Senate due to his unavoidable absence.

The Presiding Chairman presented the Third Report of the Subcommittee on Agenda and Procedure, which was read by Mrs. Shipley, as follows:

Your Subcommittee on Agenda and Procedure met at 3.30 p.m., Wednesday, May 12, and 10.30 a.m., Thursday, May 13, and has agreed to present the following as its

THIRD REPORT

1. On May 4, 1954, the Committee referred to its subcommittee a copy of a sermon on capital punishment by the Reverend D. B. Macdonald, which he presented to the Committee on that date.

Your subcommittee recommends that this document be filed with the miscellaneous representations received by the Committee which are being classified for selection and ultimate recommendation by your subcommittee for possible printing as an Appendix to the Committee's Minutes of Proceedings and Evidence.

2. On May 5, 1954, the Committee referred to its subcommittee the matter of calling the official hangman for the Province of Quebec for an *in camera* hearing. On May 11, 1954, the confidential telegram received from him was likewise referred.

Your subcommittee recommends that the official hangman for the Province of Quebec should be called to appear to give evidence; and that the Joint Chairmen be authorized to contact him to determine the arrangements that would be suitable to him together with a time when he could be available, either during this session or the next, and then report thereon to the subcommittee.

In connection with the original telegram received from him, your subcommittee recommends that it be filed with the Department of Justice in order to confine his identity, but that a copy of the text be retained with the Committee's records.

3. On April 27, 1954, the Committee agreed that Police Chief Mulligan should make available to the Committee a report on murders in Vancouver for the last ten years.

Your subcommittee recommends that the said report be printed as an Appendix to the Minutes of Proceedings and Evidence for May 11, 1954. (See

Appendix B, Minutes of Proceedings and Evidence, No. 12).

4. Your subcommittee also recommends:

- (a) That the Parliamentary Library procure a copy of the book entitled "Hanged and Innocent", published by Victor Gollancz under the joint authorship of Messrs. Silverman *et al*;
- (b) That a further reminder be sent to those provinces that have not yet indicated their intentions with respect to the Questionnaire sent to the provincial Attorney-General; and
- (c) That no further arrangements be made by the subcommittee for the attendance of witnesses after the first sitting week in June.

All of which is respectfully submitted.

Mrs. Shipley moved, seconded by Mr. Winch, that the Third Report of the Subcommittee on Agenda and Procedure be now concurred in.

Mr. Boisvert, Senator Hodges, and Mr. Brown (*Brantford*) having indicated their objections to calling the official hangman for the province of Quebec, the said report was adopted on division.

The Presiding Chairman introduced the delegation from the Board of Evangelism and Social Service of The United Church of Canada.

Reverend Mutchmor presented the Board's brief on capital and corporal punishment and lotteries (which was "taken as read" in accordance with the procedure adopted by the Committee on March 2) with the following corrections:

1. *Respecting Capital Punishment:*

(1) Delete second sentence at the top of page 8 of the brief, which reads *If the least possible doubt exists, the sentence should be commuted*, and substitute therefor "If the least possible and reasonable doubt exists that murder has been committed, there should be no conviction at all."

2. *Respecting Lotteries:*

(1) Delete the word *to* in the tenth last line at the bottom of page 10 of the brief, and substitute therefor the word "so". (2) Delete the words *Cardinal Emile Leger of Montreal* in the second last paragraph on page 24 of the brief, and substitute therefor "Monsignor Paul Emile Leger, Cardinal of Montreal,".

The members of the delegation made supplementary statements and were then questioned by the Committee.

On behalf of the Committee, the Presiding Chairman thanked the members of the delegation representing the Board of Evangelism and Social Service of the United Church of Canada for their presentations.

The witnesses retired.

At 12.55 p.m., the Committee adjourned to meet again as scheduled at 11.00 a.m., Tuesday, May 18, 1954.

A. SMALL,
Clerk of the Committee.

EVIDENCE

MAY 13, 1954.

11.00 a.m.

The PRESIDING CHAIRMAN (*Mr. Brown, Essex West*): Ladies and gentlemen, if you would come to order, a motion will be entertained to elect a joint chairman for the day from the Senate. Moved by the Hon. Senator McDonald and seconded by the Hon. Senator Veniot that the Hon. Senator Nancy Hodges serve as joint chairman for the day. All in favour?

Carried.

Senator Hodges, will you please come forward? And now the third report of the subcommittee on agenda and procedure will be read by Mrs. Shipley.

Mrs. SHIPLEY:

"Your subcommittee on agenda and procedure met at 3.30 p.m., Wednesday, May 12, and 10.30 a.m., Thursday, May 13, and has agreed to present the following as its

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Your subcommittee recommends that this document be filed with the miscellaneous representations received by the committee which are being classified for selection and ultimate recommendation by your subcommittee for possible printing as an appendix to the committee's minutes of proceedings and evidence."

Do you wish me to deal with them one by one, sir?

The PRESIDING CHAIRMAN: No, I think we will just take it in full.

Mrs. SHIPLEY:

"2. On May 5, 1954, the committee referred to its subcommittee the matter of calling the official hangman for the province of Quebec for an *in camera* hearing. On May 11, 1954, the confidential telegram received from him was likewise referred.

Your subcommittee recommends that the official hangman for the province of Quebec should be called to appear to give evidence; and that the joint chairmen be authorized to contact him to determine the arrangements that would be suitable to him together with a time when he could be available, either during this session or the next, and then report thereon to the subcommittee.

In connection with the original telegram received from him, your subcommittee recommends that it be filed with the Department of Justice in order to confine his identity, but that a copy of the text be retained with the committee's records."

Hon. Mr. McDONALD: Without the signature?

The PRESIDING CHAIRMAN: We will discuss that in a moment.

Mrs. SHIPLEY:

"3. On April 27, 1954, the committee agreed that Police Chief Mulligan should make available to the committee a report on murders in Vancouver for the last ten years.

Your subcommittee recommends that the said report be printed as an appendix to the minutes of proceedings and evidence for May 11, 1954.

(See Appendix B, *Minutes of Proceedings and Evidence*, No. 12.)

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- (c) That no further arrangements be made by the subcommittee for the attendance of witnesses after the first sitting week in June.

All of which is respectfully submitted."

The PRESIDING CHAIRMAN: Moved by Mrs. Shipley; seconded by Mr. Winch, that the Third Report of the subcommittee be adopted.

Now, Senator McDonald, the original telegram will be filed with the Department of Justice. That is, the original which has the name of the official hangman affixed. In other words, it reveals the name of the person. That will be filed for safekeeping and is not available to the public. A copy of it will be filed by the clerk of this committee without the name.

Hon. Mr. McDONALD: Did he use his actual name?

The PRESIDING CHAIRMAN: Well, one never knows. I do not know. I know he put a name on it.

Hon. Mrs. HODGES: May I ask a question? I notice the subcommittee recommends that the official hangman should be called to appear. Is he to give evidence *in camera*?

The PRESIDING CHAIRMAN: That is what it says above.

Hon. Mrs. HODGES: It says that above, but it does not say that in the recommendation of the committee?

The PRESIDING CHAIRMAN: That will have to be determined by the committee itself.

Hon. Mrs. HODGES: I was not certain if the subcommittee recommended that it be *in camera*. It does not make it quite clear, you see.

The PRESIDING CHAIRMAN: What the subcommittee recommended was that the joint chairmen contact this individual and see what arrangements could be made. It may be he will want to appear *in camera*, or he may want to appear in public. That will be determined after he has been contacted.

Hon. Mrs. HODGES: I understand.

Mr. THATCHER: Why did the subcommittee feel that it should be held *in camera*?

The PRESIDING CHAIRMAN: We did not say it should be *in camera*.

Hon. Mrs. HODGES: It was the committee who suggested that.

Mr. BOISVERT: I would like to register my opposition to having the official hangman appear as a witness before this committee. I do not think his appearance will bring anything to us which we do not know already and, personally, I have a feeling that it would not be good for this committee to have the official hangman as a witness. I do not think it would be desirable for this committee to have the official hangman as a witness. I do not like this, and I want to register my opposition as strongly as possible. There is something terrible about it.

Mr. THATCHER: You bet! That is why we should have him.

Mr. BOISVERT: There is something terrible about the taking of human life and I think this would bring on a morbidity before this committee to which I am opposed, and I will not be present when he appears to be examined as a witness.

Hon. Mrs. HODGES: I would like to associate myself with Mr. Boisvert. I feel the same way. It seems to me a very gruesome thing and I cannot see that it is going to add much to the information of this committee. However, I feel that if the committee decides to call him I should, out of a sense of public duty, be here, but I do think it is extremely morbid.

The PRESIDING CHAIRMAN: We could suggest that people such as Mr. Boisvert be called to the meeting of the subcommittee when any information has been obtained from this individual. We have not heard yet whether or not the hangman will appear or when he would be willing to appear although he has expressed the desire to come.

Mr. WINCH: That is just the comment I was going to make; he has asked to come before the committee.

Mr. SHAW: Mr. Chairman, I would hesitate to suggest that the professional hangman be *subpoenaed* if he is not willing. He has however indicated his willingness to come and, while it may be morbid listening to his evidence, we have had the prison doctor and the sheriff and after all, executions are conducted in our society and let us not be hesitant about going right to the root of the thing. As long as we are going to execute people we require an executioner. I suggested from the beginning that he appear and he has asked for permission to appear, so I think he should be given an opportunity to come before the committee.

The PRESIDING CHAIRMAN: Probably when we have had some information, we could bring it to the committee and they could decide what to do. All in favour? Opposed: Mr. Boisvert, Mrs. Hodges and Mr. Brown (*Brantford*).

Mr. FAIREY: What are they voting against?

The PRESIDING CHAIRMAN: The adoption of the report.

Hon. Mrs. HODGES: Just that one suggestion?

The PRESIDING CHAIRMAN: This is a motion to adopt the third report.

Mrs. SHIPLEY: You will have to deal with it in sections, don't you think?

The PRESIDING CHAIRMAN: The motion was that we adopt the report as read by you. Was there an amendment? I have not heard any.

Mr. MITCHELL (*London*): The objections to it are recorded?

The PRESIDING CHAIRMAN: Yes, we know their feelings. All in favour? Contrary? I have the names of those who are opposed. Carried on division.

Now then, we have a delegation here today from the Board of Evangelism and Social Service of the United Church of Canada, Reverend A. Lloyd Smith, Dominion-Douglas United Church, Montreal, Quebec; Reverend J. R. Mutchmor, secretary, Board of Evangelism and Social Service, Toronto, Ontario; Reverend C. H. Ferguson, president, Montreal and Ottawa Conference, Kemptville, Ontario; Reverend Hugh Rae, member, Board of Evangelism and Social Service, Ottawa, Ontario; Mr. Reginald Gardiner, member, Board of Evangelism and Social Service, Hamilton, Ontario; Mr. J. Morley Lawrence, member, Board of Evangelism and Social Service, Windsor, Ontario.

If it is your pleasure, we will now call upon this delegation to come forward.

Hon. Mr. MACDONALD: May I suggest that the men be introduced individually to the committee?

The PRESIDING CHAIRMAN: Yes, I will be glad to do that when they come forward. Will you come forward gentlemen, please.

Mr. Garson, the Minister of Justice, who has administrative control of the question which is under discussion and who is a member of this committee, has asked me to express his regret at his inability to be here because this morning cabinet meets, and consequently he has to be in cabinet which is his first obligation.

I am going to ask that the members of your delegation please rise when I introduce them so the members of the committee will know who you are: Reverend A. Lloyd Smith; Reverend J. R. Mutchmor, Reverend C. H. Ferguson, Reverend Hugh Rae, Mr. Reginald Gardiner, and Mr. J. Morley Lawrence.

Now, the brief has been filed and the members of the committee have read it. Which of you gentlemen is the economist?

Rev. Dr. MUTCHMOR: We were unable to secure the services of an economist, Mr. Chairman.

The PRESIDING CHAIRMAN: Then, you have read the brief of the Christian Social Council of Canada and you have the brief of the others who have made their presentations, I presume, Dr. Mutchmor?

Rev. Dr. MUTCHMOR: Yes.

The PRESIDING CHAIRMAN: Would you then like to comment on the brief which you have presented here today?

Rev. J. R. Mutchmor, Secretary, Board of Evangelism and Social Service, The United Church of Canada, Toronto, Ontario, called:

The PRESIDING CHAIRMAN: Please remain seated, if you would.

The WITNESS: Thank you madam and Mr. Chairman and members of the committee. We received clear instructions from the clerk of the committee and, as requested, forwarded the 50 copies of the brief which is to be taken as read.

Mr. Chairman, Ladies and Gentlemen:

The delegation of The United Church of Canada presenting this brief consists of the Rev. Clarence H. Ferguson, Kemptville, Ontario, president of the Montreal and Ottawa Conference of our Communion; the Rev. Dr. A. Lloyd Smith, minister of the Dominion-Douglas United Church, Westmount, Quebec; the Rev. Dr. Hugh Rae, minister of First United Church, Ottawa and formerly of Vancouver, B.C.; Mr. Reginald G. Gardiner, Hamilton, Ontario, President of local 1005, United Steel Workers of America (Stelco, Hamilton); Mr. J. Morley Lawrence, managing director and a vice-president, Borden, Ltd., Windsor, Ontario, and Rev. Dr. J. R. Mutchmor, Toronto, Secretary of the Board of Evangelism and Social Service of The United Church of Canada.

We are here to present officially the considered opinions of The United Church of Canada concerning some aspects of the subjects being studied by the parliamentary committee.

First: We express appreciation of this opportunity. It is one more illustration of the close, effective, working relationship that exists between the churches and the governments of Canada, its provinces and municipalities.

We believe it is both the right and duty of The United Church of Canada as a branch of the Christian church to co-operate with the state in a common effort to determine the best methods to deal with crime including those redemptive processes essential to the restoration of the criminal. We believe also in stressing the need for and value of preventive work and the importance of all character building methods and programs as the best way to reduce crime. We believe, in short, that only the good way of life can effectively overcome the evil ways. We would accentuate not the prohibitive and penalizing methods, some of which are necessary, but the positive and character building ones.

Second: We would point out that The United Church of Canada, which in 1953 had 870,000 members in full communion, more than 2,100,000 persons under pastoral care and over 600,000 in Sunday school classes, is in a position both to create and inform public opinion. The 1951 census shows that 2,867,271 persons reported themselves as United Church people. One-quarter of our country's marriages are solemnized by United Church ministers. The work of The United Church is established in every part of Canada. Ours is a communion with pastoral charges in rural, village, town and city areas in every province.

In addition to its work the United Church has made and now maintains a strong Christian witness. We are deeply concerned about moral issues. We keep these matters clearly and effectively before our people. We believe we should always first speak to our own members about the dangers of crime, the need for better social conditions, such as housing, the requirements of character building programs, particularly for youth, the necessity to avoid such evils as intemperance and gambling, and generally the demands of a good life and the maintenance of a responsible society.

Our church is a conciliar, or council-governed church, that is, it is democratic and the positions taken by the church in controversial matters must and do represent the opinion of the majority of this large group of Canadian citizens. Being a large group and responsible to the opinion of our members, we do not support narrow or bigoted points of view. We are a tolerant and not a fanatical or pseudo-Puritan people. But we have a deep and real concern for the poor, the children, the young people and for the freedom of this land we love from crime and poverty. We stand for the building up in Canada of ideals of integrity, hard and honest work, high moral and religious standards of living. We believe in the future of Canada, but are convinced that that future can only be made secure as the foundations are rooted in strong, moral principles of daily living.

Our view of the task of government is that it exists not merely to give people what they want, but to give them strong leadership towards the highest standards of daily life and to protect them against all that would undermine those principles which make highest moral development of the citizens of Canada.

Third: We would make clear some aspects of our views concerning the relation between church and state. While we support and favour well established social security procedures, we do not think that the responsibility of each individual to do his best and to lead a good life should be forgotten. We believe the strong should help the weak but we think also that the test of the value of a law should not be made entirely on the John Stuart Mill teaching of the greatest good for the greatest number. We think the acceptance of utilitarianism should have well defined limits.

Similarly, we believe that the doctrine of majority opinion is not entirely sound. The Rousseau teaching that the voice of the people is the voice of God is not a Christian teaching. While we believe in democratic procedures we do not think that these alone can give us a Christian society.

We hold that ours should be a responsible society—our government a representative one. We believe that such a society and government can be established and maintained only when men live and work as Christians. Modern democracy includes the right of self-government. It recognizes the place of conscience. It includes the passing and observance of laws that are related to the divine law. Our present Prime Minister speaking at the time as the Minister of Justice on the divorce question, once reminded the House of Commons that "those who take their law from the Bible have to take it as

it is". *Hansard*, June 21, 1946, pages 2792-2794. This is a good illustration of the place and significance of scriptural teaching and thus of Christian ethics in the making of laws and the responsibility for their enforcement.

We believe further, that in a responsible society, due respect for law is essential. Such respect can be encouraged and maintained only by thorough enforcement of law. We believe that the chief responsibility rests with the Minister of Justice, and the provincial attorneys-general. These are the chief law officers of the Crown.

We think law enforcement is weakened unnecessarily when any defeatist view or any action of accommodation is considered seriously. For example the argument of the following syllogism we believe is weak and fallacious, namely:

"If a certain section of the Criminal Code, say 236, 6 (b) were any good, it would be enforced. It is not being enforced. Therefore it is no good. Therefore, let us amend it to make it enforceable."

It is with these views and teaching in mind that we believe that the church must be the conscience of the state. Therefore, we contend that no majority as such can make evil into good—a wrong way into a right way.

Fourth: We approach the subject of the committee's enquiry in a two-fold manner. Corporal and capital punishment concerns the right discipline of persons. Lotteries raises the question of the right to things, their ownership and use.

Concerning persons we would stress the Christian teaching that man is a child of God. Man is superior to things. He has an inborn sense of worth. He has "honour and dignity". Every man at his lowest and worst has something good left in him—a divine spark that will respond to a favourable impulse or to change the metaphor a little remaining germ of goodness that may grow into noble character again.

We believe further that man's natural dignity is enhanced by grace. This grace when hindered by sin can be renewed by the indwelling power of Jesus Christ. It is because we believe this and because the state recognizes this redemptive truth that ordained ministers of the Christian church are members of staffs of penitentiaries and an increasing number of reformatories.

It is because of this brief in the redemptive character of the grace of Jesus Christ that the United Church both on her own and in cooperation with other communions, operates some homes and institutions for girls and women committed by provincial authorities.

I

From this background of doctrinal belief and teaching, study and experience, we respectfully offer some comments about corporal punishment as follows:

First: When man as a child of God uses his freedom of choice for lawless and selfish ends, he estranges himself from God and hurts both himself and his fellowmen. He comes under God's judgment. He puts himself in a position where the state, on behalf of Society, must discipline him. The state of which he is a citizen, has the duty to punish and reform.

Second: We believe the state must exercise its rightful authority over those of its members who break its laws. We believe there cannot be effective law enforcement without penalties and one penalty is loss of freedom imposed by custody. We believe that custody must be disciplinary and character building.

Third: We regret that at the present level of progress in correctional work the use of corporal punishment as a last resort may be a necessity. We believe that the state should look forward to its abolition. If the state cannot see its way to do this at the present juncture in correctional work,

it should continue its enquiries and research, making a project of the task of the gradual elimination of this form of punishment which is most degrading to human dignity, both for those who inflict it and those upon whom it is inflicted.

Fourth: If, as, and when corporal punishment is continued, it may be ordered in two ways; by a court of law and by the superintendent of a custodial institution. Orders for corporal punishment are and should continue to be given as last resort measures. Archaic and cruel methods such as leg irons and tying to a wall should be abolished.

This delegation believes that it is the responsibility of the state to decide if the lash and the strap are to be continued. Provincial and federal records both show that barely one percent of the total number of all prisoners are so punished.

This delegation in representing the United Church in the matter of corporal punishment, summarizes its findings as follows:

- (a) Good law must include penalties.
- (b) Penalties may include corporal punishment.
- (c) Corporal punishment should be rarely used and when used only on the authority of a court or the senior official of a custodial institution.
- (d) Archaic forms of corporal punishment such as leg irons should be abolished.
- (e) The state must decide about continuing the use of the strap and lash. If these forms of punishment are continued, their use must be strictly supervised and every effort made to minimize the dehumanizing character of such punishment.

The United Church records its appreciation of the recent and remarkably good progress in substituting more positive methods of treatment. It believes that the use of corporal punishment will continue to decline as more remedial measures are favoured. The United Church strongly supports all recent reforms in the care and custody of prisoners. It welcomed the royal commission report on Canada's penal institutions, 1938. It appreciates similar efforts made recently in several provinces and particularly in British Columbia, Saskatchewan and Ontario. It supports improved standards of care including psychiatric studies and treatments, better medical care, improvement of personnel standards and all forms of positive leadership such as that of Brigadier Ralph Gibson. *

Our communion believes that crime is like cancer. Cure depends upon early detection of human disobedience, weakness and disease and early prompt treatment by every proven positive means. We emphasize in particular the importance of close-up personal work. Mere routines of punishment as such, avail little. Crudely and carelessly used they are extremely harmful. The result too often is that bad men are made worse.

The constructive value of any form of punishment should be determined by research studies. Such studies should be made concerning "repeaters". If the studies indicate clearly that failure, not success, results from the use of any method, that method should be changed. This committee, therefore, suggests that the parliamentary committee consider favourably more research work in regard to corporal punishment.

II

CAPITAL PUNISHMENT

The question whether the criminal law of Canada should be amended in any respect and if so in what manner is a serious and difficult one. About four years ago the general council of the United Church referred the question of capital punishment to its Board of Evangelism and Social Service, for study and report, but the board was unable to present any report to the council meeting in September, 1952. Likewise in September 1954, the Board of Evangelism and Social Service will not present any definite recommendations re capital punishment to the 16th. General Council of the United Church. It will, however, present some findings. The following excerpts from the Board's report of February 1954, indicate the results of its study to date.

Considerations

(1) Is capital punishment a deterrent? There are arguments on both sides and statistics are quoted both for and against capital punishment as a deterrent. Most of these statistics are based upon situations where this mode of punishment has been abolished, or abolished and re-introduced, in comparison with places where it has been retained. As many factors enter in, such as law enforcement, attitudes of courts, difference in customs and habits of nations and states involved, many of these statistical arguments are not significant. However, the weight of evidence on the side of capital punishment as a deterrent is not large. As one writer says, "who is deterred? Not the insane! Not the frightened bandit with a gun! Not the one who kills under strong emotional stress! Not the gangster from the underworld who appears ready to take what he calls "the rap"! Perhaps only the crafty schemer who may be ready to risk his life is, in some cases of cold deliberate planning, deterred by consideration of the possibility of capital punishment."

(2) The second consideration is the defence of society. By execution the murderer is removed from the human scene. This is final so far as defence of society is concerned. This argument seems to be the most forceful in favour of capital punishment.

(3) The third consideration is retribution. In particularly severe crimes there seems to be a demand that the punishment should be made to fit the crime. This, however, conflicts with the idea of reformation. A great English lawyer, Sir John Solmond, says, "There is a necessary conflict between deterrent and reformatory theories of punishment, but the chief end of the law of crime is to make the evil doer an example and a warning to all like minded with him."

Findings

The following should be noted:

(1) Capital punishment being final, no effort should be spared to make absolutely certain of guilt. If the least possible and reasonable doubt exists that murder has been committed, there should be no conviction at all.

(2) In Canada there is often a serious gap between the conviction and the execution of murderers. In Great Britain the time that elapses between conviction and execution is rarely more than six weeks and this includes the time allowed for appeal.

From a report from the Department of Justice in Canada we note the following:

Time convicted, December 1950—executed July 1952.

Time convicted, May 1951—executed June 1952.

Time convicted, March 1951—executed March 1953.

We believe careful consideration should be given to a more speedy execution of justice.

(3) Methods of execution. The question of whether hanging is the right method always comes to the fore when capital punishment is considered. The story of the execution of Suchan and Jackson in the Don Jail in Toronto raised in many Canadians' minds, questions regarding this method of execution. If capital punishment is to remain as a part of Canadian law, many would favour a provincial site rather than a local one.

(4) Reform measures must be a factor in considering capital punishment. Although it must be admitted that deterrence is a prime factor for the state, yet reformation, where at all possible, must be the primary consideration.

Should the death penalty be abolished? The United Church is unable to give a definite answer. It will not have an official opinion until its general council meets in Sackville, N.B., September, 1954. And this council may not reach a definite conclusion.

This delegation, however, can present some recommendations of the United Church's Board of Evangelism and Social Service as follows:

(1) The decision about the continuance of the death penalty must be made by parliament on report from its special committee.

(2) If the death penalty is to be continued serious consideration should be given to the continuance of hanging as the method to be used.

(3) The death penalty should be used only as a punishment for murder that is premeditated, murder in connection with robbery with violence, treason, kidnapping and some other heinous and callous crimes involving the loss of life by an innocent person or persons.

(4) The death penalty if continued should not be inflicted in a public place. It would be preferable to have one site only in each province.

(5) Only on the rarest occasions, if at all, should the death penalty be inflicted on persons under 21 years of age.

III

LOTTERIES, A GENERAL STATEMENT

A lottery is a form or method of gambling. Gambling is a vicious thing that has a considerable attraction for many kinds of people. It lures a large number of Canadians. Ours is a country not far removed from pioneer ways and customs. Our people face, meet and generally overcome, many natural risks. Probably this aspect of our way of life leads us to create readily additional and unnecessary risks and to gamble on them.

Gambling among Canadians is caused by the evils of credulity and cupidity. We readily believe in the possibility of one chance in a hundred thousand. We accept the philosophy of the "lucky" number. We are also greedy and lazy. The lure of something for nothing attracts us.

A generally accepted definition of gambling is "an agreement between two parties, whereby the transfer of something of value from one to the other is made dependent upon a certain event in such a way that the gain of one party is balanced by the loss of another."

In a sweepstake or lottery the amount lost by all who win nothing exactly balances the gross sum received by winners, promoters, governmental tax collectors, and to a diminishing extent to a "cause" to be aided.

Gambling which is not creative and is unproductive of anything of human value is now a highly organized business. It's a different thing from small scale, personally arranged betting. Gambling in North America has been shown by the U.S. Senate Kefauver Committee studies to be a highly organized business. For example, the heavily populated areas of the United States were divided by such men as Frank Costello of New York, among gambling syndicates. Before they were partly disorganized by law enforcement authorities following the Kefauver Committee studies, such areas as Florida and adjacent states, the Philadelphia region, metropolitan New York, populous Los Angeles and so on were controlled by rich, powerful, top-level gamblers. One of Frank Costello's centres of operation was the barber shop of the Waldorf Astoria in New York. Mickey Cohen was Los Angeles' gambling czar. In the recent New York State race track story, the list of principals included the names of prominent legislators, and some high placed labour leaders, as well as the names of several race track society leaders.

The history of lotteries is an old and long one. In England, for example, from 1566 to 1823, lottery was a form of wagering that attracted much attention. Until 1698 there was no legal prohibition of private lotteries, but in that year the British Parliament having experience of what lotteries were, framed an act declaring that all lotteries were common and public nuisances and might thereafter be allowed only when authorized by Act of parliament.

During the next century lotteries were authorized by parliament for various public purposes—but opposition even to these began to gather strength and in 1773 the city of London petitioned the House of Commons against the authorization of lotteries as "highly injurious to the commerce of the Kingdom and to the welfare and prosperity of the people." Even so the state felt it could not give up the revenue thus obtained.

In 1808 things had got so bad in the administration of lotteries that a select committee of the House of Commons was appointed to enquire into the situation—and from its report the following is a quotation:

The pecuniary advantage from a state lottery is much greater in appearance than in reality. No mode of raising money appears to your committee so burdensome, so pernicious and so unproductive. There is no species of adventure known where the chances are so great against the adventurer—none where the infatuation is more powerful, lasting and destructive. Your committee find that by the effects of the lottery idleness, dissipation and poverty are increased—the most sacred and confidential trusts are betrayed—crimes are committed and even suicide is produced. Such have been the constant and fatal attendants upon state lotteries and such, your committee have too good ground to believe, will be their invariable attendants so long as they are suffered under whatever checks and regulations exist.

That was the judgment in 1808 based on a continuous experience of lotteries running back 250 years. The committee recommended that state lotteries be discontinued. In 1823 they were stopped.

In 1931 an agitation was begun in Great Britain to revive the lottery as a means of revenue. By royal warrant a representative commission was chosen to consider the matter. The commission found that lotteries lend themselves very easily to exploitation and fraud, allowing great scope for the running up of fictitious bills for expenses and the payment of salaries and commissions on a lavish scale. There are also many opportunities for direct fraud. When a ticket is sold, all that the purchaser gets is a numbered counterfoil and it is impossible for him to tell that the corresponding ticket will be put in the drum from which at length the winning tickets are drawn.

The commission declared: "A large lottery represents gambling in its easiest form. It calls for no skill or knowledge and thus appeals to many who would not risk their money backing a horse. The large prizes are a dazzling lure to the ordinary man, so attractive that those who take a chance in a large lottery do not trouble to ascertain how infinitesimal is the chance they have of being a winner. In the Irish sweep the holder of a ticket has one chance in 390,000 of winning the highest prize and one in 4,000 to win the lowest. Lotteries appeal with especial force to those in straitened circumstances since they hope to gain financial stability by winning a prize—and lottery tickets are purchased with money that for the sake of well-being should have been spent otherwise."

The royal commission came to these conclusions:

- (1) The demand for legalization of large public lotteries in this country (Great Britain) is based upon insufficient appreciation of the difficulties and disadvantages involved.
- (2) We recommend that the law against foreign and illegal lotteries should be reenacted and strengthened. We do not recommend the institution of large lotteries in this country. We regard such a step as undesirable in itself and unlikely to assist very materially in suppressing the sale of tickets in the Irish sweepstakes.

There was another British royal commission on gambling which reported in 1951. This commission stated, "There is no important advantage to be gained by the establishment of a national lottery... There is no reason to depart from the general principle that it is undesirable for the State to make itself responsible for the provision of gambling facilities."

It is probably unnecessary to add to these references: the briefer one regarding the Kefauver committee and the more extended reference to the reports of two British royal commissions. It should be noted, however, that the R.C.M.P. has a publication entitled, "Law and Order in Canadian Democracy", Queen's Printer, Ottawa, 1952. In Chapter VII of this publication the threats of "organized crime" in the U.S.A. to Canadian life are noted. The R.C.M.P. refer to gambling, smuggling, and bootlegging and in particular to rackets and syndicates.

It is the considered opinion of the United Church that Canada's two central provinces should jointly or separately appoint a royal commission (s) to investigate the existence of organized crime including organized gambling as referred to by the R.C.M.P. We believe there has been ample evidence of the existence of this evil in Ontario and Quebec and its relation to organized syndicated controlled and gangster led gambling in the U.S.A. We believe further that the operation of government sponsored or other legalized lotteries in Ontario and Quebec would result in Toronto and Montreal becoming the sweepstakes centres of North America.

IV

THE ENFORCEMENT OF CANADIAN LAW AGAINST GAMBLING

Consideration should be given to the very question as to why this matter of the possible legalizing of lotteries is before you and therefore before the people of Canada. There are seven reasons that we observe for consideration of the problem of lotteries and law enforcement re gambling in Canada.

(1) Law enforcement by the attorneys-general of our provinces regarding Section 236 of the Criminal Code has sometimes been inconsistent and weak.

Lotteries for charity and for some causes often not so charitable, have grown in number since the war period of 1939-45 when money was raised in every imaginable way for charitable purposes. The charitable provisions (6) (b) of Section 236 of the Code have been misused in an irresponsible and often dishonest manner. Laxity has been allowed and in some cases encouraged. This section provides for "raffles for prizes of small value at any bazaar held for any charitable or religious object." The article raffled is not supposed to be "of a value exceeding fifty dollars" and must "have first been offered for sale".

Under this simple provision articles in value of many thousands of dollars are and have been raffled, and were certainly never first offered for sale. Few prosecutions have been undertaken by attorneys-general for such violation of the criminal law of Canada. Our people have been led to believe that you can easily "get away" with a breach of this part of the Criminal Code.

(2) Well intentioned people seeing this violation of the law frequently wish amendment might be passed so that what is now done in flagrant disregard of the Criminal Code might be done legally. The church respects the good intentions of this group, but says to them that the way out of bad law enforcement is to good law enforcement, not to any weakening of the moral principles and standards on which law is based. To legalize lotteries would be to reward the iniquity of thousands of law breakers. This puts law into disrespect, and derides the dignity of the state. It illustrates the evil results which ensue when principles are traded for expedients.

(3) Demands are being made by self interested parties who wish to take advantage of the cupidity and credulity of thousands of people to get lotteries legalized for their own profit and advantage. Such law breakers would continue to evade the law, perhaps keep it as to its letter and break it as to its spirit. Whatever amendment might be made downward to placate those who urge greater freedom for lottery holding, would be used by these people for further evasion and ultimately further demands for the weakening of the law.

(4) There are persons interested solely in charity and its organizations who urge legalized lotteries. The few who do this are extremely vocal but do not have the support of the most experienced and wisest organizers of charitable campaigns, including the Canadian Hospitals Association and the best leadership in service clubs. It is said that canvassers for charities like to have a ticket to sell, rather than merely make an appeal for a voluntary donation. The United Church denies that charity must be self-interested. We raise millions of dollars in this country each year for charitable and beneficent causes, both directly for the church and also for other national causes. Voluntary giving, in our experience, is the easiest and not the hardest way of raising funds for charity. For every one dollar ticket sold on a car which is raffled for a good cause, five dollars could be collected by means of direct donation.

(5) There are those who say we must be "realistic", that laws against gambling cannot be enforced and therefore should be radically amended. To these we would refer a recent book by David R. Allen, entitled, "The Nature of Gambling" (Coward-McCann, New York, 1952), which is a historic, social-logical and economic survey of gambling from a non-moral but legal point of view. Mr. Allen asks three questions and gives three answers regarding gambling. (i) Is it a universal human activity? This is answered affirmatively. (ii) Is it a harmful activity? The answer is affirmative because wherever it becomes prevalent, law has to be used to regulate and control it. (iii) Is gambling suppressible? The answer is that public gambling can be controlled and suppressed wherever there is a normal public opinion, effective police and adequate laws. We believe the majority of people in Canada are "realistic" in their wish that gambling be controlled or even suppressed. We believe we have an effective police force and can have, what we do not now have, adequate laws. Laws have not been applied or even tried in many instances against illegal lotteries.

(6) There is a further group of people who believe in what they call "liberty". They regard all laws against gambling and lotteries as "blue law", devices of spoil-sport people who wish to take the joy out of life. Nothing is farther from the truth. In trying to eliminate gambling we aim at preserving the joy of life for many people for whom gambling has destroyed it. We refuse to confuse liberty with license and the risks of life which are normative with created and unnecessary risks, which lead to gambling. We believe life requires adventure, daring, risk, what Robert Louis Stevenson called an "affair of cavalry". We consider that gambling is a perversion of this desire and to legalize lotteries would be to pander to such perversion, and to prostitute one of the noblest human attributes requiring daring and courage to an ignoble end.

(7) Finally, there is a group of people to which we belong, who believe that something should be done about the present chaotic state of law enforcement in Canada regarding gambling. To this end we record the official views of The United Church of Canada.

V

The Official Position of the United Church

The following are excerpts and references from the record of proceedings of the general councils, the highest court of the United Church of Canada.

(1) In 1932, the fifth general council declared: "Our present laws relating to gambling should be strengthened and more strictly enforced." "Our people should not yield to the insidious temptation to support good objects by immoral methods, such as raffles and lotteries." (Record of proceedings, 1932, Pages 100-101.)

(2) In 1934, the sixth general council declared: "We record our opposition to sweepstakes and other gambling methods for the maintenance of hospitals and other essential institutions . . . further this council commends the recent action of the House of Commons in rejecting the Sweepstakes Bill." (Record of Proceedings, 1934, Page 67.)

(3) In 1938 the eighth general council declared: "We strongly urge our people, for the good of their own spiritual life and in the interests of society, to abstain from all gambling practices and to discourage their use in their respective communities." (Record of proceedings, 1938, Page 103.)

(4) In 1940 the ninth general council declared: "The General Council enjoins all congregations under its jurisdiction together with all their

subsidiary organizations, to refrain from the use of gambling devices for raising funds and it urges all members and adherents of the United Church to avoid participation in any gambling enterprises." (Record of proceedings, 1940, Pages 91-92.)

(5) In 1944 the eleventh general council declared that it reaffirmed the 1940 declaration which "enjoined our people":

(1) To refrain from any form of gambling, no matter how worthy the object for which money is being raised.

(2) To use their influence to encourage groups or clubs to which they may belong, such as service clubs or patriotic societies, to use other means of raising money to carry on their work.

(3) To oppose unhesitatingly, any schemes in our churches that savour of gambling for the raising of money for church purposes. (Record of proceedings, 1944, Page 71.)

(6) In 1946 the twelfth general council "commended attorneys-general of Ontario and the four western provinces, for their public declarations that they would enforce the Criminal Code provisions against bingos, lotteries and sweepstakes", and expressed "appreciation of the response of members of organizations" of the church's decision "to enjoin all members to refrain from every form of gambling and urged that in this regard even greater progress be made." (Record of proceedings, 1946, Page 217.)

(7) In 1948 the thirteenth general council reaffirmed "its opposition to every form of gambling" and endorsed the 1948 pronouncements of the Lambeth Conference of Bishops in Great Britain which stated "we deprecate the raising of money by the state or by any organization, through sweepstakes and similar methods however good the object may be for which the money is raised; and we warn men and women of the danger of acquiring the habit of gambling, which has led in so many cases to the deterioration of character and the ruin of homes." (Record of proceedings, 1948, Page 89.)

(8) In 1950 the fourteenth general council called upon its ministers and members to:

(1) Oppose both the liquor trade and the gambling interests—in the promotion of their evil plans.

(2) To stand strongly against the alignment of the liquor and gambling businesses with recreational and community organizations of social, industrial, political and other types." (Record of proceedings, 1950, Page 96.)

(9) In 1952 the fifteenth general council passed the following:

(1) Urge United Church people who are members of social clubs and other organizations which use gambling for money raising, to make the church's stand their stand and to witness boldly against all such schemes as morally decadent and un-Christian.

(2) Reaffirm its church's demand that the Criminal Code be revised to exclude such provisions as exempt and thus legalize such gambling enterprises that are for religious and charitable purposes. (Record of proceedings, 1952, Page 182.)

Summary:

The United Church's general objections to gambling include the following arguments:

(1) It contradicts the teaching that we are to love our neighbor as ourself. This means it destroys fellowship in the nation or community which tolerates it.

(2) It is bad stewardship of our resources because it uses money irresponsibly without a due regard to its value.

(3) It teaches people to rely upon getting something for nothing, instead of relying upon their own work to earn a living.

(4) It emphasizes luck and superstition, leading to irrational modes of thinking and living, rather than reliance on law and order in the universe.

(5) It corrupts human character, community life, civil government and ultimately every nation which attempts to legalize it.

VI

THE UNITED CHURCH'S SPECIFIC OBJECTIONS TO LOTTERIES AND THE LEGALIZING OF THEM INCLUDE THE FOLLOWING CONSIDERATIONS

(1) The legalizing of lotteries would be a degenerative political action, subscribing to the worst ethics and morals of our society and contradicting the best. It would be contrary to the considered views of the wisest statesmen and legislators throughout the world. Political leaders of high principle and Christian conviction like the late Sir Stafford Cripps, Governor Thomas E. Dewey of New York and others have been unanimous in their opposition to gambling in any form.

The following statements by well known authorities are worth noting. Says Thomas E. Dewey, governor of New York State, in reply to Mayor O'Dwyer (involved in revelations of gambling rackets contained in the Kefauver Report) and his request for legalized "strictly controlled gambling" said:

"The entire history of legalized gambling in this country and abroad, shows that it has brought nothing but poverty, crime and corruption, demoralization of moral and ethical standards, and ultimately a lower living standard and misery for all the people. I am unalterably opposed to the proposal made by the Mayor of the City of New York."

(New York State legislative speech, March 1950)

In the annals of the American Academy of Political and Social Science, May 1950, (page 76), Ernest E. Blanche, chief statistician for the logistics division, general staff, United States army, and an outstanding American research authority on gambling games, writes:

"Morally and legally wrong and outlawed lotteries do more than mulct the rich and poor alike; lotteries change the very pattern of living, distort the sense of values and incubate the eggs of crime. Examine the sociological and economic implications of the lottery and you will behold a Frankenstein monster capable of consuming both those who run the lotteries and those who play them. The financial returns, insignificant in proportion to the national income or the federal expenditures, are like the thirty pieces of silver paid to Judas for the betrayal."

In the same number of the annals, (page 23) Paul S. Deland, managing editor of the Christian Science Monitor writes: "The history of gambling in the United States proves that its legalization has invariably increased gambling with all its attendant criminal evils. Legalization means acceptance of a practice, putting an official okay or 'go ahead' sign on it."

Messrs. Seeborn Rowntree and G. R. Lavers, in their monumental book, "English Life and Leisure", Longmans, London, 1951, associate themselves strongly with J. A. Hobson's devastating criticism of gambling as "the organized rejection of reason." They further quote Hobson as describing gambling as an unethical attempt to "obtain property without effort."

Rowntree and Lavers list economic objections such as (page 151,152):

- (a) The wasteful use of transport facilities for persons, race horses, grey-hounds and so on, as part of the organized gambling enterprise.
- (b) The wasteful use of paper for coupons, press reports, programs and pictures and related items.
- (c) The wasteful use of the time of thousands of employed persons who do no creative work. They estimate that the U.K. loses annually the labour of from 300,000 to 400,000 persons.

Many years ago the late Lord Bryce pointed to the dangers of civic corruption from such evils as gambling. In his classic volumes entitled "The American Commonwealth", Vols. I and II, MacMillan, New York, 1904, there is a chapter (Vol. I entitled, "The Government of Cities". On pages 648 and 649 Lord Bryce analyzes this problem as follows:

The question of city government is that which chiefly occupies practical publicists, because it is admittedly the weakest point of the country. (The United States).

What Dante said of his own city may be said of the cities of America: they are like the sick man who finds no rest upon his bed, but seeks to ease his pain by turning from side to side. Every now and then the patient finds some relief in a drastic remedy, such as the enactment of a new charter and the expulsion at an election of a gang of knaves. Presently, however, the weak points of the charter are discovered, the state legislature again begins to interfere by special acts; civic zeal grows cold and allows bad men to creep back into the chief posts.

(2) Lotteries for charity undermine the charitable attitudes of the people, until at last the institutions supported by such lotteries lose all voluntary charitable support. This has been the experience of the Irish hospitals where lotteries were first legalized to raise funds for capital expenditure, but because the sources of charity were dried up by lotteries, had to be extended to include the raising of funds by this means for current as well as capital expenditure. It is noted in the 1952 report of the Irish sweepstake, that 6,846,008 pounds sterling were received, but less than one-fifth of this amount, namely 1,255,915 pounds were paid to the Irish hospitals.

(3) Lotteries are downright dishonest. They are economically immoral, promising what they cannot perform. In Hansard for March 11th. 1954, page 2879, the expenditures of government grants for hospital construction, tuberculosis control, cancer control, mental health control, crippled children and other health measures are given province by province. If you total them you will find they add up to the grand sum of \$27,333,965. To raise even this sum of federal grants, which is only a small proportion of the total outlay for such worthy causes, on the basis of the Irish lotteries, eight times this amount would have to be subscribed, or \$218,671,720 by 109,335,825 two dollar tickets or seven such tickets for every man, woman, child and baby in Canada, an impossible and nonsensical task. What is true in the large is true also in the small.

Before a charity receives anything from even a small lottery, its promoters give a "winner" a \$2,500 car, or even a house. They also pay proportionately large bills for salaries, wages, commissions, rentals, printing, accounting, advertising and so on. Such dishonest economics are degrading to the society which supports them as well as disastrous for the economic welfare of the people who participate in them.

(4) Legalized gambling in any form is a front for organized crime and gangsterism. The Kefauver Committee Report on Organized Crime in the United States, Didier, New York, 1951-52, see p. 175-6, among its findings includes the following general comments:

GENERAL CONCLUSIONS

(5) Gambling profits are the principal support of big-time racketeering and gangsterism. These profits provide the financial resources whereby ordinary criminals are converted into big-time racketeers, political bosses, pseudo businessmen, and alleged philanthropists. Thus, the \$2 horse bettor and the 5-cent numbers player are not only suckers because they are gambling against hopeless odds, but they also provide the moneys which enable underworld characters to undermine our institutions.

"The legalization of gambling would not terminate the widespread predatory activities of criminal gangs and syndicates. The history of legalized gambling in Nevada and in other parts of the country gives no assurance that mobsters and racketeers can be converted into responsible businessmen through the simple process of obtaining state and local licenses for their gambling enterprises. Gambling moreover, historically has been associated with cheating and corruption.

This report is replete with instances of the closest association between legalized gambling and organized crime. At a time when Frank Costello, Mickey Cohen, and Harry Gross and their kind are serving penitentiary sentences, is not the time for Canada to legalize lotteries.

(5) Such legalizing of lotteries would be an unfriendly act to the United States of America, where in most border states, in particular, lotteries are forbidden. Large sums of money would cross the border to enrich Canadian institutions at the expense of Americans. The drug traffic, bootlegging, gangsterism, call for the strongest legal measures against them and one way of doing this is to support the U.S. in its efforts to combat the gambler who uses legalized gambling as a front for crime.

(6) Such lotteries would be a tax upon poor people who would buy tickets in the hope of becoming suddenly rich, and getting something for nothing. It would be "robbery without violence". It would collect large sums of money from the many losers who are frequently among the low income groups and give them to the few winners. In short, it would lead such people to hope they could perhaps avoid the need for industry and thrift and obtain riches easily and without effort by winning a lottery.

(7) Lotteries like all forms of gambling are contrary to New Testament teaching regarding stewardship, the love of one's neighbor, the reliance on law and order rather than luck or superstition and the whole spiritual content of Christian ethics.

VII

THE DUTY OF THE STATE

The church believes the state has a solemn duty in this matter of gambling. It believes the state should listen to the church when it speaks on such an issue as this, since in a Christian nation the church should be the conscience of the state in moral problems and issues involving the character and behaviour of citizens. The issues involved in this matter of lotteries are many, but as a Christian church we note only four vitally important ones. These are:

(1) The state must have a regard for all its people. It has a duty to protect the misguided against bad leadership and the poor and needy against the exploitation of their need and their poverty.

(2) The Canadian government should have a vision of the future. It must consider that Canada is a young and rapidly growing nation, and realize that only on the basis of good morals, individual integrity, industry and sound economics can the foundations for the future be securely built. To admit into

legal status the morally doubtful and evil practices of lotteries and gambling would be perilous to the future security of our nation and the character of our citizens.

(3) The government has an obligation to the citizens of Canada to see that the legislation which one province passes does not necessarily become the basis of Canadian law as a whole. We are aware of the fact that the Quebec government has legislation now in its books to permit a provincial lottery. We do not believe that this should affect at all the decisions of this committee which must take into account the wishes of the whole nation rather than any one segment of it. We do not want to see Quebec the base and Montreal the centre for a traffic in lotteries in Canada.

(4) As a church we believe there is a moral problem involved in lotteries. We consider it a principle that a good law is one that protects and benefits the majority of the people. It is the moral duty of the state to support everything which enhances human personality and to eliminate anything that corrupts or weakens character. Our view of gambling and lotteries as outlined above is that morally to support gambling in any form is indefensible from the state's point of view.

VIII

SUMMARY RE GAMBLING

This delegation presenting this brief on behalf of The United Church of Canada, believes that the Criminal Code should not be amended either to make possible a greater variety or extent of gambling of any kind. We think the words, "for any charitable or religious object", should be deleted from section 236, 6 (b). We are strongly of opinion that the chief law officers of the Crown should increase their efforts to enforce section 236. We promise that The United Church of Canada will continue to do all in her power to create an informed public opinion in support of every effort to suppress and reduce gambling.

This delegation takes this opportunity to express the hope that leaders in education in community life in sports and in business will join with organized religious bodies in a common effort to aid all law enforcement authorities to suppress the gambler and gambling.

It is our considered opinion that the following steps should be taken:

(1) Leaders in education should not permit school premises to be used for bingo or any other kind of gambling. School children should not be asked to distribute or sell tickets on raffles or other gambling undertakings.

(2) In community life, service clubs and similar bodies should stand against the so-called "easy" gambling way of raising money. It should be realized that an illegal means, such as gambling, cannot be made good and attractive by a charitable or patriotic purpose.

(3) Sports and athletic organizations should join in a common effort to reduce gambling because this evil is a serious threat to clean wholesome athletics and the good amusement it provides to many thousands in Canada.

(4) Business leaders should avoid the very appearance of the gambling evil. Free "deals" and door prizes and the raffling of cars and other commodities hurts good business. This kind of method when used by big business harms itself and the many smaller competitors. It is both evil and unfair. At best, such gambling devices serve only as false stimulants—they have no permanent worth.

(5) Law enforcement authorities, federal, provincial and municipal, should do everything in their power to discourage and suppress gambling. That this can be done is evident from the good records of many municipal areas.

In Toronto city proper, for example, the raffling of cars on the streets is not permitted. If this control can be exercised in Toronto, it can be enforced in the former suburbs of Toronto. If the chief of police in North Bay or Hull can be strict, other chiefs of police in Northern Ontario and the Ottawa area can and should do likewise. In brief, law enforcement is both possible and desirable. Failure to suppress gambling will result always in an increase in crime.

(6) Stricter supervision of race tracks and on-track betting is necessary. On-track legal betting increases the volume of off-track illegal betting. There are clearly defined dangers in the present stepped-up activity of Canada's racing promoters including those of the millionaire variety. Recent New York state exposures revealed that some top-level racing promoters were involved with gamblers. As a result a very immoral situation developed. The New York requirement about the publication, at least annually, of information about the ownership and control of race tracks should be investigated by the parliamentary committee with a view to including similar requirements in Canadian federal and provincial controls. It is to be noted that the federal department of agriculture and the R.C.M.P. now have oversight of pari-mutual race track betting.

(7) All church bodies should increase their efforts to suppress gambling. The Canadian Council of Churches in its brief made this need clear and urgent for all the Protestant churches. Monsignor Paul-Emile Leger, Cardinal of Montreal, is leading a vigorous campaign against gambling in his diocese. This committee should note these major efforts of the Christian churches.

In conclusion, this delegation of The United Church of Canada records again its appreciation of this privilege to present this brief, which is respectfully submitted.

A. LLOYD SMITH,
Chairman.

J. R. MUTCHMOR,
Secretary.

Dr. MUTCHMOR: Now, there are two or three slight corrections which I might ask to be made: at the top of page 8, the second sentence should read:

If the least possible and reasonable doubt exists that murder has been committed, there should be no conviction at all.

The PRESIDING CHAIRMAN: Could I now read that sentence, Dr. Mutchmor?

(1) Capital punishment being final, no effort should be spared to make absolutely certain of guilt. If the least possible and reasonable doubt exists that murder has been committed, there should be no conviction at all.

The balance of the sentence will be then deleted.

Dr. MUTCHMOR: Then on page 10 there is a small point. Please look at the single space typing at the bottom of the page in the third line:

No mode of raising money appears to your committee to burdensome, so pernicious and so unproductive.

The word "to" should be "so."

And on page 24, we wish to put in what we understand is the correct title for the cardinal of Montreal. The seventh line on the last page at the beginning of the sentence should read:

Monsignor Paul Emile Leger, Cardinal of Montreal.

I may say, Mr. Chairman, that Dr. Smith, if he is permitted to do so, would like to say a word regarding a statement made by the cardinal which we would like to file as an appendix when we reach that point. Now, on behalf of the delegation, and for the possible assistance of the committee, I would like to make a few comments.

Our approach to the three-fold subject of inquiry and study is made out of some knowledge and experience and from a very deep concern.

We believe that the complete review of the Criminal Code is a major and worthy undertaking. We have much confidence in our governments and legislative bodies, federal, provincial and municipal, and in all the agencies of law enforcement in Canada and her provinces.

We come here as churchmen. We would stress both mercy and justice. We believe that both crime and the well-being and those who commit it are the concerns equally of this committee. Before God, and within the walls of this parliament, we know we come far short of being what we should be ourselves. We do not come with any self-assurance or any belief that we have all the answers to the complex matters that must be considered by this committee, but we believe we can be of some help. We come officially to speak for one of the churches of Canada, the United Church, which is a relatively large communion. We are at work in every part, the old, the new and the very new parts of this dominion. Ours is also a witnessing church. The witness of the United Church of Canada is made in her courts and by her responsible boards and committees. It is made from her pulpits and by her people. It is a strong and steady witness. This witness is an effort to relate the eternal to the contemporary, the New Testament to the newspaper and the church to society.

We are pleased that you have heard our Woman's Missionary Society brief, and the brief of the Canadian Council of Churches of which we are a member. In the brief before you, we would comment on some sections in particular: first, as pointed out in the brief, we are more concerned about the prevention of crime than about crime itself. We are deeply concerned about the reformation of the criminal. Secondly, we are more concerned about the many men, including young men and the relatively few women who commit crime, than in the material damage they do. We believe this committee is likewise concerned. The main thing to remember is the person in trouble. That person, as a child of God, must have every chance to make good. We strongly advocate that there be far more time given and far more money spent on the prevention of crime and on the reclaiming of criminals. Thirdly, concerning capital punishment, we have not been able to submit much that will be of help to you, but we have done our best. We have much sympathy with the views of the law enforcement officers as expressed before this committee. When we state on page 9 of the brief that on the rarest occasions only should capital punishment be inflicted on the young person under 21, we have in mind the possibility of his reformation. We know, however, that more often than not the young criminal can be more dangerous than the older one. He can be very quick on the trigger. In the fourth place, concerning lotteries, we have tried to do three or four things: (1) we have set out the official position of the United Church and we wish to assure you that our communion is working hard at this difficult problem; (2) we have stated in the brief some of the history of this problem in the United Kingdom and in the United States of America. Again, we know gambling, like some other social evils, is greatly accentuated in a prosperous time like the present, and we think of Canada today as being really one big boom town and there is a considerable amount of loose money in circulation. I think there are some \$4 for every \$1 in circulation a few years ago, and in times of prosperity these evils flourish much like,—the Bible phrase, "a Green bay tree."

(4) Now, we wish in this brief to point out the danger of organized crime. We have noted from the proceedings that there have been references made to the United Kingdom, and to the views concerning gambling in that country, but we would point out that in North America we organize everything—we do things "in a big way". Unfortunately, just as we are skilful in organizing good

things, there are members of our society who are equally skilful in organizing bad things, and crime in North America, as made clear by the Senate committee which Senator Kefauver conducted, crime in North America is highly organized.

We would point out the danger of crime and of gambling, including lotteries, in our larger cities and we have a fear that should there be a relaxing of the laws controlling gambling, that Toronto and Montreal would become the sweepstake centers of Canada.

We regret we were unable to get the services of an economist. but on page 18 and in some other parts of the brief, there are references to the economic aspect of this problem of lotteries and gambling in general. We have noted, for example, the estimate that in the United Kingdom there are some 200,000 to 300,000 persons fully employed in gambling undertakings. Now, in the latter part of the brief—the last two pages—we have set out some of the relationships of gambling, and other activities related to it, to various parts of our life. I will just read the headings of this concluding summary, Mr. Chairman. We have referred, on pages 22, 23 and 24 beginning at the bottom of page 22, to the infiltration of the gambling evil into our schools in ways that may seem quite innocent, but can be quite dangerous. Secondly, gambling in the community life. Thirdly, gambling in respect to sports. Fourth, gambling in business. Then, the question of gambling and the enforcement of the law which is one of the chief matters. Then, we have something to say about on track pari-mutuel legal betting at horse races and the relationship of it to the increase in off-track illegal betting. The racetrack season is just beginning in full force and that may be a point on which there may be questions. We refer also to the concern of all church bodies—not only our own communion, about the gambling menace.

Finally, Mr. Chairman, if I may just add these words, we are very grateful to you for introducing the members of our delegation. I would like to say that Dr. Smith from Montreal, a representative from our largest city, and from our sister province of Quebec which has legislation on its books for legalized lotteries, will be ready to answer questions regarding that area of our church. Mr. Lawrence is from Windsor, a border city, and is closely in touch with the service clubs of that city and with its industry generally and with its community life. Mr. Gardiner is head of a large labour union and there may be some question about the relationship of this problem to organized labour especially in view of the fact that the largest labour organization has presented a brief before this committee. Mr. Ferguson, the president of this conference of our church within whose bounds we have met, comes from the good town of Kemptville and would like to speak with respect to this problem with relation to town and rural life. Dr. Rae, for many years on the west coast, and now in Ottawa, will be prepared to answer questions about this kind of situation respecting lotteries in the capital, and perhaps something from his west coast experience.

The PRESIDING CHAIRMAN: Thank you very much. Members of the committee may wish to submit questions. I think we should divide these into two parts. I think it would be fair to say that the brief deals to a large extent with the question of lotteries. I do not know that there is much new on the question of capital punishment or corporal punishment. Are there any questions on capital punishment? Are there any questions on corporal punishment?

Mr. BOISVERT: On capital punishment, Mr. Chairman. In the fourth paragraph on page 5 I read: "Archaic and cruel methods such as leg irons and tying to a wall should be abolished." I am taking exception to this paragraph because I do not think it exists in Canada.

Dr. MUTCHMOR: Mr. Chairman, there is a reference to leg irons in the recently published Ontario Report of the Legislative Committee of which Mr. Stewart was a chairman.

The PRESIDING CHAIRMAN: We have no evidence of it before this committee.

By Mr. Fairey:

Q. That was one of the things I was going to mention. We did ask for a description of a bench on which the person may be secured, but there were no leg irons. The other thing I was going to ask refers to page 8 the last subparagraph (3): "The death penalty should be used only as a punishment for murder that is premeditated". The delegation is not taking the stand that the death penalty should be abolished *in toto* and they believe that the death penalty should be retained for certain specific kinds of murder?

Dr. MUTCHMOR: Mr. Chairman, we are in a slightly awkward position at this point in that this is a question referred by the general council of our church to its Board of Evangelism to report on at its council meeting in September next. We cannot make a statement about the position of the United Church on this question, but we can say that when this was thoroughly discussed at the annual meeting of the Board of Evangelism and Social Service we could not get a common mind on it. I would say that slightly over half the members on the board favoured the continuance of the death penalty, the remainder would like to see it abolished.

Mr. FAIREY: That, of course, is the main question we are trying to decide ourselves. Thank you, Mr. Chairman, that is all.

The PRESIDING CHAIRMAN: Then, we will proceed with lotteries.

By Mr. Shaw:

Q. Before you leave the question of corporal punishment, I take it from the brief that you are not recommending the abolition of corporal punishment, but rather that a study be continued with a view, maybe, to its ultimate abolition. You are not making a specific recommendation now?

Dr. MUTCHMOR: No specific recommendation, but you have stated the position as set out in the brief.

The PRESIDING CHAIRMAN: Could you point out briefly what is new on the question of lotteries that we have not received. We have received evidence on lotteries from the Canadian Council of Churches and from the unions and from a great many organizations, and we are trying to find out something new that we have not received. Probably we could simplify it by starting with Senator Veniot and go along the table to ascertain what questions the committee has in mind.

Hon. Mr. McDONALD: Mr. Chairman, I would like to ask the representative from the union, Mr. Gardiner, what he has to say on this question. I wish to ask Mr. Gardiner what his views are as a labour union man on this question.

Mr. Reginald GARDINER: My view as a person associated with labour but not speaking as the voice of the congress to which I am affiliated is that I am unalterably opposed to lotteries of any kind. I do not know what sort of representation the committee may have received, Mr. Chairman, from a labour group that have presented a brief to the committee. I am not aware of the contents of that presentation. I do not think our own Canadian Congress of Labour has submitted a brief.

The PRESIDING CHAIRMAN: No, the Trades and Labour Congress of Canada did.

Mr. GARDINER: Personally I am unalterably opposed to it because it seems to me to be the most wasteful method of raising finances for any kind of cause. For instance, just two nights ago in my own local union there was a group of members that operated a Christmas tree for the children last Christmas which ended up with quite a deficit, and they undertook to run a draw—I did not have anything to do with it, nor did I know that it was being held—and they strenuously tried to sell tickets for it and it was a dead horse as far as these deficits were concerned. There are always those. But, they made the magnificent sum of \$4 more than the cost of the prizes put up, and all that effort was gone for nothing. I am quite sure that those who contributed to that little draw innocently would have given the money just as generously had it been asked for as a stright contribution to wipe out a deficit. That is generally my viewpoint on the situation.

Hon. Mr. McDONALD: Thank you.

Mr. SHAW: I notice that on page 12 reference is made to: "Law enforcement by the attorneys general of our provinces regarding section 236 of the Criminal Code has sometimes been inconsistent and weak." Would you care to comment further upon that, Dr. Mutchmor?

Dr. MUTCHMOR: Mr. Chairman, we do not think that in some of the provinces the attorney general's department is sufficiently active in this matter of enforcement. Sometimes when we bring to the attention of some of these departments a specific case where the Code is not being adhered to we are of the opinion that either they cannot act or do not act with sufficient vigor and strength. There have been times when we have had to write as many as three or four letters or have made as many phone calls to get some action under the Code.

Miss BENNETT: Mr. Chairman, I would like to make a suggestion that the members of this delegation waiting upon us give a short concise statement to us of what they wish to highlight and then we will be in a position to ask questions which may be more quickly disposed of. Perhaps it is my fault, but I did not receive the copy of the brief until now.

The PRESIDING CHAIRMAN: You were sent one through the mail.

Miss BENNETT: It may have been my fault, but I think that that would help to clarify matters and give us a working idea of what this delegation has put before us.

The PRESIDING CHAIRMAN: Perhaps you were not here when I gave a little synopsis.

Miss BENNETT: It leaves me in a difficult position. If we had a little concise statement from each member it would help us all in perhaps being a little more lucid in our questions and a little more connected. It is merely a suggestion.

The PRESIDING CHAIRMAN: What ever the committee would like to have done will be followed.

Hon. Mrs. HODGES: I hesitate to say anything, Mr. Chairman, but the rest of us have pretty well studied the brief and it is hardly fair to hold up the members of the committee who might have questions.

Miss BENNETT: It was not for my sake, although the various members waiting on us, or two or three of them, could sum up briefly the highlights they had in mind.

The PRESIDING CHAIRMAN: Probably after the questioning we could do that.

Hon. Mrs. FERGUSON: I agree with Miss Bennett. I have studied the brief, and still would like to have a statement from them.

The PRESIDING CHAIRMAN: We do not want to confine the activities of the panel, or the statements they wish to make. I thought that their presentation was through and that we had started on the questions. Could we finish the questioning and then have the statements. If anything they like to bring out is not covered by the questions, they could make a statement. Would that be agreeable to the panel?

Agreed.

By Mr. Shaw:

Q. Dr. Mutchmor, is it proper for me to take it from the brief that the United Church would desire that the Criminal Code be amended to remove those sections which now permit gambling under certain conditions, for instance, charitable and religious organizations may do it in certain exceptions. Do you ask for the amendment of those sections of the Code to remove those permissive aspects of it?—A. We are on record in requesting that the religious and charitable permissible sections be removed.

Q. You would limit your representations to that?—A. Yes.

By Mrs. Shipley:

Q. I would like to ask the Dr. Mutchmor about a statement he made. As I understood it, I think you said something to this effect: that the Kefauver Committee of the United States Senate exposed the wide extent of crime, or some words to that effect, in North America. Do you not mean in the United States of America?—A. No. Mr. Chairman, the work of the Kefauver Committee certainly exposed the organized character of crime in the United States, but related to that exposure there was also exposure of crime, for example, in the city of Windsor. I do not like to pick out the city of Windsor to answer this question, but it is a good illustration. Windsor was the site of the wire for the metropolitan Detroit district. Doubtless the members of the committee know the significance of the word "wire" in respect to racetracks and racetrack gambling. After the law enforcement officers of metropolitan Detroit had got rid of the wire facility in the American section of that metropolitan area, the wire continued to operate in the city of Windsor.

The PRESIDING CHAIRMAN: How long?

The WITNESS: I would not know for what period of time, but for some time at least before Judge Archibald Cochrane of Brampton was sent there to be the chairman of the Police Commission.

The PRESIDING CHAIRMAN: I think that it would be fair to say that it was not operating too long.

Mr. LAWRENCE: Not too long, but it was there.

By Mrs. Shipley:

Q. I remember that incident, but I submit that the Kefauver Committee did not examine the extent of crime or its growth in Canada.

Dr. MUTCHMOR: Well, I would say further if you take the R.C.M.P. report—I do not know if I have the exact title, but you doubtless know the title of the report, law and order in Canada or some such title—in that report, as we refer to it in the brief, reference is made to organized crime including the organized gambling aspect of crime, and that finding of the Royal Canadian Mounted Police parallels exactly the finding of the Kefauver Committee.

Q. That could be.—A. And that bears on what I have said somewhat inaccurately, and I thank you for the correction. It is a North American problem. I could add to that, Mr. Chairman, and say that it is a rather well accepted fact that operators of these gambling syndicates in Detroit, Cleveland, Buffalo and through to Philadelphia and New York, doubtless have their opposite numbers working in Montreal, Toronto, Windsor, and the Niagara peninsula area. I cannot give you evidence, but I would point out what seems to be the situation, namely that there is a relationship between or among these kinds of crime, that is, high-grading of ore, bootlegging of liquor, and the transfer of women in what appears to be organized prostitution back and forth across the line, and in the drug traffic, as well as gambling.

The PRESIDING CHAIRMAN: I think we should confine ourselves pretty much to lotteries. Is that not the committee's opinion.

Mr. THATCHER: I am kind of interested in learning about the city of Windsor.

The PRESIDING CHAIRMAN: I think the best way is to get it from somebody who lives there.

Mr. BOISVERT: Call the chairman as a witness.

The PRESIDING CHAIRMAN: I would be very happy to give evidence on Windsor at any time.

Mr. SHAW: We should not overlook the fact that the witness was asked a question relative to crime, so I would not be too critical of the witness.

The PRESIDING CHAIRMAN: I did not intend to be critical of the witness, but I think we should confine our questioning to lotteries.

Mrs. SHIPLEY: I am sorry, but I felt in view of the crimes exposed in the Kefauver Report that this should be brought up in view of the suggestion made that the same thing existed in Canada. I am finished.

Mr. FAIREY: Arising out of an answer to a question asked, I think, by Mr. Shaw, that the United Church as a group are opposed to every form of lottery, even what we call the simple little church lotteries which are sometimes held, I wonder if any of the members of the panel would like to comment upon the view that has been expressed that people like to and are willing to pay small sums in games of chance. It is a form of amusement to some people, and they spent 50 cents or something like that in an evening. Do you think there is any harm in that? Is there any justification for depriving people of that simple form of entertainment which they like? I may not like it—I might like to spend my 50 cents and go to a picture show—but some people do like to play bingo or some similar game of chance. Is there anything wrong with that?

The CHAIRMAN: Reverend Ferguson?

Rev. Mr. FERGUSON: In service clubs groups and in conversation in small towns, men have said that very thing to me and I think we have to recognize that on the surface they are sincere about it, but when you face them with the implications of that particular type of amusement where they go and perhaps consider it their night's amusement; but at the same time while they are there they have to recognize that there is a majority perhaps of the group who came that night who did not come with that motive and who get their sense of values tremendously confused. I am particularly interested from that standpoint and from the standpoint of christian education trying to impress our young people with a true sense of values and a right sense of stewardship. When you start the matter of enforcement then they say: "But these things are allowed in the name of charity—they must be all right." The end justifies the means. I sometimes like to think of this: crippled children are often the

objects of the finances that are raised, but my conviction is that for one crippled child we help perhaps we are making moral cripples of half a dozen or ten children.

Mr. FAIREY: Thank you.

The PRESIDING CHAIRMAN: Mr. Lawrence?

Mr. LAWRENCE: I was just going to say, Mr. Chairman, this sort of thing can prove very expensive. At one time in Windsor, as you likely know, Mr. Brown, several churches used to have weekly bingos and the prize each time would be half of the total that was collected. These are the 50 cent bingos where people go for amusement, but now we have this sort of thing—these were taken from the Windsor Star.

The PRESIDING CHAIRMAN: The witness is now holding up an advertisement.

Mr. LAWRENCE: One of these is a church affair, and one was sponsored by the Canadian Legion. The church bazaar offers the choice of a 1954 Plymouth, Pontiac, Ford or Chevrolet—no stop number—10 rounds for \$30, five rounds for \$50, and two rounds for \$500,—all in one night!

The PRESIDING CHAIRMAN: For the purpose of the record, could I just briefly describe this?

Mr. LAWRENCE: Yes.

The PRESIDING CHAIRMAN: Mr. Lawrence has handed me two, three-column ads from a newspaper, advertising automobiles as a prize. The one sponsored by the Canadian Legion is advertised as a mammoth bingo—"This is the big jackpot, someone will own a new 1954 Meteor". And the other, sponsored by a church, is advertised as a mammoth bazaar: "This is the jackpot—your choice of a 1954 Plymouth, Pontiac, Ford or Chevrolet—no stop number", and so on, giving prizes of \$500 cash and other things. Mr. Lawrence has indicated that these were clipped from the Windsor Star dated May 12, 1954.

Mr. LAWRENCE: The proceeds are supposed to go to charity. It states that in small letters. One of these is to be held in a city-owned property, the market building. I do not know whether you want to keep them?

The PRESIDING CHAIRMAN: Would you let us have them?

Mr. LAWRENCE: Yes. They were taken out of last night's Windsor Star. The one that is to be held in the arena is sponsored by the Canadian Legion. The arena is owned by a private organization. The arena operates this with some service club or charity or something as a front. It is not a case of the Legion hiring the arena, the arena arranges it all, pays the expenses and splits 50-50 on the profits, so it is not entirely going to charity. That is why I say these innocent games where people seek a little amusement have grown into a big business.

The WITNESS: I would suggest that Dr. Smith might comment, Mr. Chairman, from the Montreal point of view.

The PRESIDING CHAIRMAN: We would be happy to have any member of the panel comment.

Rev. Mr. SMITH: Thank you. I speak as a working minister facing the responsibility of securing each year a very considerable budget for the support of our church and the various benevolences that we are glad to help forward, and through all the years of my somewhat extended ministry, in none of the churches that I have had anything to do with have we ever needed to have recourse to any of these second-rate methods of raising money. If we want to raise money we ask our people for money. Along this line, I happen to belong to one of the service clubs which definitely has an international policy of no complicity with lotteries of any sort. Moreover, before I come to what I want to say further on this point, I would like to speak a word on behalf of

Montreal where in five or six years we have raised in the neighbourhood of \$50 million or \$60 million for hospitals. We went out and asked our people for it, and they gave it. I think the best way to get money from people is to go and ask them for it. If you have a good cause you will likely get it.

Mr. Mutchmor has referred to a document which it is my privilege to have brought with me today. It is a circular issued by Mons. Paul-Emile Léger, our honoured archbishop and cardinal, who is giving a very strong lead in this matter to his people. Now, I have no right to speak for him as his representative, but yesterday we were—

The PRESIDING CHAIRMAN: For the purpose of the record, the cardinal is a member of the Roman Catholic church, is he not?

Rev. Mr. SMITH: Yes. We were informed that this circular which had been publicly issued was a public document and there was no objection to our bringing it with us and presenting it here today. Now, the document is in French, and if the committee are prepared to listen to my somewhat stumbling translation, I will give them the translation of the important parts of it and then, sir, I would be very happy to submit it to any of the French-Canadian folk who are here and have them read it in the French, so that every person might hear and understand it.

The PRESIDING CHAIRMAN: Perhaps you could file it with the committee and we would have it printed in French with the translation following. Would that be in order? You could read what you understand to be the translation.

Rev. Mr. SMITH: All right.

This is a circular issued on the 29th day of January 1951 and deals with several matters and in the fourth place deals with the prohibition of games of chance. The cardinal begins—I am giving quite a free translation because I take it for granted you will get the full text—the cardinal begins by saying he is dealing with a subject that is somewhat delicate, but proceeds with some degree of confidence because he has a circular issued in December, 1898 by Monsignor Bruchési prohibiting all those bazaars—"Tous les bazars pour quelque raison que ce soit". Would you give me some idiomatic translation of that?

Mr. BOISVERT: If I understand it correctly, he is prohibiting all kinds of bazaars or raffles for some charitable purpose.

Rev. Mr. SMITH: That is what I understood it to mean, sir, and then on the 22nd of November, 1922, Monsignor Gauthier prohibited "les tombolas". Then the cardinal goes on to say that the development which he has seen of the games of chance constitutes a grave problem to the Christian conscience. He explains that the church is not an organization for raising money—"Organisation financière". Certainly, he continues, it is much less a school for games. It is the mystical body of Christ and a mistress of truth and of virtue. Our churches are a visible expression of holiness and are a vestibule of heaven where the Christian learns the practice of virtue and above all of charity. And then he goes on to draw attention to the fact that certain of these things which he is going to prohibit are interfering with this sort of education in the churches. Now, in the paragraph that you all will read he says it is somewhat humiliating to hear the things which he has been told and then he goes on to what I wish to present to your committee, sir. I will translate it freely:

After serious reflection before God and having taking counsel we prohibit absolutely from next Ash Wednesday,
—that would be 1951—

to organize, patronize, to hold or to make these soirees-bazaars,

—I do not have any English equivalent for that—“or to assist in the playing of games of chance such as bingo or other things and also prohibit these games where the attraction is a prize of consequence such as an automobile or a house used to attract the public. This prohibition covers all the orders (charitable institutions), all the churches, all the religious communities and we remind all of the obligation to respect—to make respected—without looking for exceptions, the law with regard to games of chance.”

The PRESIDING CHAIRMAN: Could I have that? You mark the part you have read in free translation from the French and we will have it inscribed in the evidence at this point.

Aussi après mûre réflexion devant Dieu et après avoir pris conseil, nous défendons donc absolument, à partir du Mercredi des Cendres, d'organiser, de patronner, de tenir ou de faire des soirées-bazars où les assistants jouent à des jeux hasard, genre bingo ou autres, ainsi que ces tirages, où l'appât d'un prix de présence coûteux, (automobile, maison), attire le public.

Cette défense atteint toutes les Oeuvres, toutes les églises, toutes les Communautés religieuses, et nous rappelons à tous l'obligation de respecter et de faire respecter, sans recherche d'exception, la loi sur les jeux de hasard.

Rev. Mr. SMITH: That is the only copy I have, so I would like to have it back eventually.

Hon. Mr. BOUFFARD: It would be an easy thing to get a copy of this from Montreal so we could give it back to Mr. Smith.

The PRESIDING CHAIRMAN: Yes, we will give it back to you. There will also be a translation of this into English for the purpose of the record. These minutes go out from this committee in French and in English; some copies in French and some in English. That is to say, a certain number are printed in French. We will have that copy which goes in English inscribed in the record in French, and then the translation will appear in English at this point.

Hon. Mrs. HODGES: May I ask a question? Have you finished Dr. Smith?

Rev. Mr. SMITH: I was just going to say to the committee that as a Protestant minister I appreciate very much the backing of the position which is mine personally and which is represented by the church by so outstanding a religious leader as the cardinal. That is all I want to say.

Hon. Mrs. HODGES: May I ask Dr. Smith a question? I notice that directive, or whatever you call it, is dated 1951. Have you any evidence that the archbishop still holds those views?

Rev. Mr. SMITH: I think he was quoted in the press comparatively recently to that effect, but I do not have that with me.

Hon. Mr. BOUFFARD: There is no doubt about that.

Hon. Mrs. HODGES: The only reason I ask that question is because—although I may be mistaken—I have seen some advertisements and so on in Montreal papers that there are still a number of Catholic churches conducting bingos, bazaars and raffles. Please do not take this as criticism or in any way as a reflection on the Catholic church.

Rev. Mr. SMITH: If that were so I would be surprised and I can only depend on the authoritative expression of the Catholic opinion which I have presented.

Hon. Mrs. HODGES: I am merely asking for information.

Dr. MUTCHMOR: Our committee received a report within the last month or so which cited an instance where a Catholic church was holding a bingo. The cardinal appeared in the hall where the bingo game was in progress and stopped it himself. He is not only speaking but acting.

Hon. Mrs. HODGES: As I say, I was only asking for information and I did not wish to appear to criticize.

The CHAIRMAN: Miss Bennett?

Miss BENNETT: Not at the moment, thank you.

The CHAIRMAN: Senator Fergusson?

Hon. Mrs. FERGUSON: Not at the moment, although I would like to have Mr. Ferguson tell us something—apparently he would be able to talk on the effects of gambling on the community and I would like some examples, but perhaps he would be able to present them himself.

The CHAIRMAN: You are at liberty to ask him.

Hon. Mrs. FERGUSON: Could you give us some examples of the effect of lotteries on the community life instances where it has done harm?

Rev. Mr. FERGUSON: I am not sure I could lay my finger on an exact illustration, but I could give one of a general nature. Every minister of a church has a concern for this church budget, and we are in a building project just now which is an expensive one, and I have a great concern for it. I have met in the Bay of Quinte district and Montreal many people with varying senses of stewardship and I have certainly a great conviction that those who are always thinking of schemes to raise money which brings us right in this particular field are not the people who come across. The actual end result of this falls short of the people who do the particular type of thing Dr. Smith has just mentioned—ask them, present a good cause and you will receive a better response. Does that answer your question?

Hon. Mrs. FERGUSON: Yes, thank you.

The PRESIDING CHAIRMAN: Mr. Blair?

Mrs. SHIPLEY: I think Mr. Gardiner wanted to speak to that point?

The PRESIDING CHAIRMAN: I hope that any member of the panel will feel free to answer any question.

Mr. GARDINER: Two of the questions which the committee have asked intrigued me to some extent, the one asked by Mr. Fairey and the one asked by Mrs. Fergusson. I will deal with Mrs. Fergusson's question first. Her question if I remember correctly, was could any specific instance of the effects of lotteries on the community be quoted. Well, probably the answer should be narrowed down to specific instances of effects on people. I do not know whether the committee has considered some of these radio quizzes as falling into the category of the terms of reference of this committee—I do not know that—but I do know some of these prizes on the radio programs amount to quite sizable sums at times. I am personally aware of one housewife—I would not say this was the only factor that brought about a nervous breakdown, but it certainly was a contributing factor—and her interest in this particular program, and the fact that she almost won but did not win caused a nervous breakdown from which she is still suffering and she is, in fact, in a mental institution at the present time. I just wanted to give you that information. .

The PRESIDING CHAIRMAN: Tell us more about the nature of the quiz.

Mr. GARDINER: I think it is called "Fiesta". Personally I do not take any interest in it so I could not tell you.

The PRESIDING CHAIRMAN: Tell us how they operate and what they do?

Mr. GARDINER: I think it is a housewives' program and takes place during the day.

The PRESIDING CHAIRMAN: Is it the type where you receive a certain phone call?

Mr. GARDINER: Yes, something like that, and you are supposed to answer a question. I really do not know the nature of it.

Hon. Mrs. HODGES: Is there a money prize?

Mr. GARDINER: Yes.

The PRESIDING CHAIRMAN: Perhaps Mr. Fairey could tell us?

Mr. FAIREY: No. We have them in different forms. I know some of them.

The WITNESS: There are many different kinds and I suppose one is just as malicious as another.

The PRESIDING CHAIRMAN: Tell me, does the person who receives the phone call have to make any expenditure in order to enter the contest?

Mr. GARDINER: I could not answer that question as to whether or not they have to have a box top or a label from a box of tea or something which they would have in the house; I do not know.

Hon. Mr. BOUFFARD: Sometimes they have to buy a package of gum.

Hon. Mrs. HODGES: Or cereal.

Dr. MUTCHMOR: We are concerned about the nature of the quizzes and the whole question of gambling. We have made protests against some of the larger companies using this method of radio quiz or give-away tactics and causing a good deal of hardship to the smaller people, and we are pleased to note that some of the large chain stores have changed their policy in this regard upon the request, in some instances, of our own communion. I am thinking now of one very large super market, claiming to be the largest in Canada, which at its opening and soon after used as prizes three cars. Now, the business in that part of Toronto where this give-away method was used, insofar as the smaller merchants were concerned, went to almost nothing. They simply could not compete against a big company with these free gifts. Two things happened then which were quite significant. One was that a judge ruled that these chain grocery stores which were selling goods other than groceries were departmental stores and were therefore subject to a higher tax, and that seemed effective.

Hon. Mr. ASELTINE: Was it not prohibited by the Criminal Code?

Dr. MUTCHMOR: That was not brought in as much as taxes. And the second factor was—I think reference was made to the Stevens' Commission on price spreads and the possibility that part of the commission's report which had to deal with give aways would be revived. I am not sure, Mr. Chairman, but I think parliament is entering again on a study of the subject of price spreads.

Mr. BLAIR: The combines investigation branch.

Mr. GARDINER: In answer to Mr. Fairey's question about these innocent 50-cent bingos and so on, I recognize the dilemma that the committee must be in. I think they feel that the Canadian public is more or less acquiescent in this sort of thing and in reading the brief that has been presented today, the thought occurred to me that perhaps the public would be prepared to see this law enforced and at least take action but the kind of penalty that is meted out by the court for infractions of this law may not meet with the approval of the general public who are inclined to be somewhat lenient in something the same way as Mr. Fairey was able to express. The thought occurred to me—and I am not being facetious about this because I know ridicule is a potent weapon and I just throw this out as a suggestion—that those who are convicted of this law could be required to stand on the city hall steps and read the pertinent sections of our report about the evils that stem from this sort of “innocent” thing and the silly waste of time, money and effort and manpower that is spent on this sort of thing. It would serve the dual purpose of holding him up to ridicule and at the same time making the public aware of things they are not aware of. I do not know whether that has any merit or not.

Hon. Mrs. HODGES: I would like to ask Mr. Lawrence if he thinks that would be a deterrent? I'm sorry, I meant to say Mr. Gardiner.

Mr. GARDINER: I think probably it would be.

Hon. Mrs. HODGES: I doubt it, judging from the profit-making methods of the people who organize these things.

Mr. GARDINER: Some of these things are innocent, as Mr. Fairey indicated, and if they are organized like Mr. Mutchmor indicated, exception to which was taken by Mrs. Shipley, then I doubt that the ridicule would be a competent weapon but for just an ordinary citizen who is somewhat jealous about his reputation in the community I am quite sure it would be a deterrent. It also might make him aware of something that he did not know before.

Hon. Mrs. HODGES: Thank you.

The CHAIRMAN: Mr. Blair?

Mr. BLAIR: Mr. Chairman, there has been reference in the United Kingdom and in the United States to the possible disruptive effect of lotteries and other forms of gambling on industrial production. I wonder if the panel is in a position to offer any evidence or comment on the effect which lotteries may have on the productive efficiency of the nation?

The PRESIDING CHAIRMAN: I presume that is directed to Mr. Gardiner?

Mr. BLAIR: I think primarily to Mr. Gardiner, but whoever would care to answer may do so.

Mr. GARDINER: Would you mind repeating your question?

Mr. BLAIR: I will put it in a little different way. It is not uncommon for raffles and lotteries of one kind and another to be held in industrial plants. Is it the information of this panel that this has the effect in any way of disrupting production and efficiency?

Mr. GARDINER: Well, that is rather difficult to answer. Do you mean the selling of these tickets interferes with the men working on the bench and so on, is that what you mean? Or do you mean the effects on the individual as to the element of chance in the thing which effects his work?

Mr. BLAIR: Both, I would think.

Mr. GARDINER: That is a difficult question to answer, sir, and I would suspect myself that that sort of activity takes place in the change house while the men are changing and washing at lunch time and so on.

Mr. BLAIR: It might be fair to say that you have not noticed this as a significant factor in your experience?

Mr. GARDINER: Yes, I think that is a fair statement.

Dr. MUTCHMOR: Might I call attention to the bottom of page 18 of the brief? There is a quotation there from a book entitled "English Life and Leisure" by Messrs. Seeböhm Rowntree and G. R. Lavers. Mr. Rowntree is the outstanding authority in the United Kingdom on this subject and in the section on gambling there are listed some of the wasteful aspects of this kind of activity. He mentioned the transport facilities for horses, greyhounds, persons and so on. We could parallel that in Canada where there is a considerable amount of transport—rail and automobile and truck—used for persons and race horses and so on. Now, the printing part of this undertaking is very considerable, and it could be argued that paper so used, from an economic point of view, is wasted. Most serious, however, is the waste of time. Now I quote from memory—200,000 to 300,000 persons are fully employed at this—but these authors who are very dependable put the figure even higher—from 300,000 to 400,000 persons.

On page 55 of the Didier Company edition of the Kefauver committee report on organized crime there is an interesting reference to the effect of gambling on two companies in Detroit, the Briggs Manufacturing Company and the Michigan Stove Works. I do not wish to speak at length on this

report but the committee can look this up and get the information concerning what happened there. Briefly, what happened was that the gambling syndicate—not only infiltrated the labour organizations, but in order to guarantee industrial peace they compelled the manager of the company to contribute several hundred thousands of dollars—it was a straight case of blackmail. I come back to the point that organized crime is not peanuts; it is a big operation and the most serious aspect of gambling is the organization of crime and the corruption of the police.

Mr. BLAIR: The point in my question was simply to see if the panel could assist us by offering any evidence on this question in Canada, and I take it you have no Canadian evidence on this question at the moment?

Dr. MUTCHMOR: In Canada we use transport facilities and paper.

The CHAIRMAN: I think he is referring to the corruption of the police.

Mr. BLAIR: I was referring to industrial disruption. I do not want to enter into an argument with the witness, but I think in fairness to the position in the United Kingdom it should be pointed out that the finding of the United Kingdom royal commission in 1949, as to the number of persons employed in gambling as reported at page 20 of their report, is thus stated:

The total number of persons employed full time or working on their own account appears to have been in recent years about 47,000 and the number of part-time employees about 30,000.

And at another stage in the report they deal with the estimates of 300,000 persons and consider it unduly high.

In following this question of economics, I wonder if the members of the delegation are in a position to assist us by offering any tangible evidence on the effect of lotteries, in the way of causing poverty or misery among those who participate in them. This is mentioned in the brief and has been mentioned before in this committee.

Dr. MUTCHMOR: Well, Mr. Chairman, all we can do is to relate our own observations. If you were to go this afternoon to the corner of Dufferin Street and Bloor Street in Toronto and watch the persons getting off the street cars to go to the Dufferin race track to make their bets for the day and from your impression estimate the economic status of those people, I think you would conclude that upwards of 70 per cent are from the low income families. Personally, I have had rather long experience now in social work and the persons whom I have known who have fallen victims to the gambling evil are far more pathetic and far more difficult to help than those who have become alcoholics, and they are almost as difficult to help as those who have become drug addicts—and I speak from a long experience. It looks like a simple thing to play a game of bingo or buy a \$2 ticket or put some money on a horse's nose, but the results—the net results—are serious. Now, I think that you will find that milkmen and breadmen—Mr. Lawrence might wish to comment because he is from a milk company—find it more difficult to sell and collect at the time when the big races are on in our big cities. I am referring particularly to Toronto which is the racetrack centre in Canada.

Mr. J. Morley LAWRENCE: Mr. Chairman, I could comment on four cases I have in mind, experience with employees. The first one was when I paid a \$10 garnishee and got it back in ten weeks and was provoked when I found that the man had \$10 worth of sweepstake tickets in his pocket at the moment. There was the case of one man in Niagara Falls who won \$20,000 and in one year he was broke and had cashed in on his insurance. The other case was of three men in Windsor who agreed that if one man won the sweepstake he would give a third to each of the others and they won \$30,000 among them. Within one year two of those men were out of work and were divorced.

The PRESIDING CHAIRMAN: Could you tell about the other case in South Essex, or do you know about that?

Mr. LAWRENCE: No, I am afraid I do not recall the one you are referring to. Those are just cases in our own experience and I think that you will all agree that those are very unfortunate cases. One thing which has not been brought up is that in the case of raffles I believe that tickets are usually 25 cents or five for a dollar. Most of the tickets are sold one at a time so that the seller makes a nickel a ticket. We have one organization in Windsor, which Mr. Brown knows, which raffles one or more cars a year and the men in their off time sell tickets for other numerous organizations which raffle cars, and I know that some of those make as high as \$500 or \$600 a year on those tickets, and none of that finds its way into the income tax collectors' hands. Mr. Chairman, I think you know the group I refer to. It is in no way a charitable affair at all. What they make on the ticket is in each man's own pocket.

By Mr. Blair:

Q. We have had suggestions that there may be an organized penetration into charitable lotteries by people who are interested in them for the purpose of making a livelihood. I wonder whether the gentlemen here are in a position to comment more generally on the conduct of these charitable lotteries in Canada from that standpoint? Have you, apart from the evidence you have already given, any other evidence of abuses of the lottery laws in that respect?

Dr. MUTCHMOR: There was a good illustration in one of our large cities in which an ex-controller promoted bingos on a large scale and in the course of this promotion it was brought out by one of the papers that he not only purchased the prizes but owned the company from which the prizes were purchased, so that he was looking after himself from both ends of the operation.

Q. I have one more specific question. The panel was asked earlier as to what sections of the law it would like to see amended and the answer was given that the exemption insofar as it is related to charitable and religious objects should be taken out of the Criminal Code. We have also heard a suggestion regarding contests and prizes which are also permitted under an existing exemption. There is another type of exemption permitting lotteries and other types of gaming at agricultural fairs. I wonder whether the panel have any specific recommendation to make about these other two types of exempting provisions?

Dr. MUTCHMOR: I tried to speak on behalf of the delegation regarding the quite extensive practice of many kinds of business firms in their efforts to stimulate trade by the use of giving away prizes. We think that on the basis of free enterprise that that thing is unwise because we think the price of an article should be determined by the material, the style, and the amount of labour, and that that price should be paid for by the purchaser. We do not think that something being disposed of for nothing is good for business in the long run. Now, regarding fall fairs, we have discussed that matter and we think that in that area of our community life it is extremely difficult. Fall fairs generally are held at harvest time when much money is in circulation. It is a long established practice to have a good time at the fall fair. A stronger section in the Code or stricter enforcement might reduce gambling at fall fairs. But, we would point out that just as we have said that crime is organized, so there are many evidences that organized groups are moving into these fall fairs and establishing what might be called rackets, and at that point there may be some corruption of municipal bodies in the buying of and continuing to hold concessions.

The PRESIDING CHAIRMAN: Have you any evidence of any corruption?

Dr. MUTCHMOR: Our Mayor Lamport who does not always see eye to eye with me made quite a heavy attack on the record of the management of the Board of the Toronto National Exhibition and part of his attack was in this area. He claimed that the people of Toronto were not getting enough money out of the selling of these concessions, and as a result the amount paid annually for some of these concessions has been considerably increased.

Mrs. SHIPLEY: Mr. Chairman, I do not think that is proof of corruption of the board. That was your question, was it not?

The PRESIDING CHAIRMAN: I think the answer stands by itself. I do not think there is any charge or any evidence of corruption.

By Mr. Blair:

Q. I propose to read a statement from the Report of the 1932-33 Royal Commission on Lotteries and Betting in the United Kingdom, because I am employed as counsel for this committee and I appreciate the difficult task the committee faces in balancing legislative policy. This Royal Commission's recommendation as to the principle of legislative policy to be followed with respect to gambling is as follows: I am quoting from page 67 of the report: "Stated broadly we think that the general aim of the state in dealing with facilities for organized or professional gambling should be to prohibit or place restrictions upon such facilities, and such facilities only, as can be shown to have serious social consequences if not checked." I wonder whether the panel, or perhaps the committee might wish to comment on that?

Rev. Mr. SMITH: I do not know whether I have the same copy of the report as has just been quoted from. I have the 1949-51 report.

Mr. BLAIR: I chose the earlier one because if anything it is stiffer in its wording.

Rev. Mr. SMITH: I am not at all acquainted with the report from which you quoted. But, there were two parts of the 1951 report which I wish to bring to the attention of the committee. I understand that there are some copies of this report available to this committee and if so I would be grateful if the members would read what is to be found in the section on the principles of gambling legislation in paragraphs 208 and 209 on page 61. Now, this has to do with the various principles of legislation, and may I read a few lines Mr. Chairman?

The PRESIDING CHAIRMAN: Yes, by all means.

Rev. Mr. SMITH:

We conclude, therefore, that the general arguments in favour of the proposition that the State should itself provide gambling facilities are not in themselves sufficient to justify so radical a change. It is possible that we have underestimated the advantages to be gained but, even so, we would think that they were outweighed by the objections, which are considerable. In the first place, if the state undertakes the provision of gambling facilities with the object, among others, of securing revenue, it is very difficult to avoid giving the impression that the state has an interest in stimulating gambling.

If I may pause at this moment, it seems to me that gambling is an evil and that the state should not countenance or encourage it. "The provision of gambling facilities is in no sense an essential service, and it is our view inappropriate for inclusion within the sphere of the state's activities. Thirdly, the transfer of existing forms of gambling to state control would raise difficult questions of compensation." ... Finally the proposition is one which we believe would be resisted strongly by many different sections of public opinion... We conclude, therefore, that this major change is, in present circumstances, neither

desirable nor practicable." Now, if I may make a comment, I was lead into a study into the history of gambling when I first faced this issue many years ago and I began to read the history of gaming. I do not hold myself as an expert, but, however, the resume which has been presented in the report brings to a conclusion an experience of almost 250 years of the practice of lotteries of one kind and another in England, and it is something that weighs with me. They were stopped absolutely in 1923, and then in 1931 they began to agitate for them again at that time, and, as our report shows, the finding was against the institution of the lotteries as a means of raising revenue in England; and now 20 years later the question comes up again. In spite of the fact that in England there has been an enormous development of gambling with the football pools and with the greyhound racing and all that sort of thing, nevertheless the finding of this commission in 1951 was that from their point of view a national lottery is undersirable. Then, from that point it went on to discuss whether there was any possibility of having large scale lotteries conducted by the state. Now, I refer to paragraph 393 on page 120 of the report because I have observed in the copy of the minutes and proceedings, No. 2 on page 103, that you have sent out to the attorney general enquiries as to whether there would be any way in which lotteries could be operated that would be acceptable. Now, beginning with this paragraph 393 on page 120, you find a clear and extended discussion of the ways in which this might possibly be made acceptable. I go to the conclusion as you will find it—I do not want to take too much time of the committee—you will find the conclusion in paragraph 400 on page 122; "We conclude, therefore, that any proposal for the extension of the scope of these types of lottery would be likely to have drawbacks which are at least as great as those attaching to the existing law. . . . We are forced to the conclusion that we cannot recommend any change in the law." Now, the experience of our motherland over these years, where they have faced this matter in a very much more grievous form than we have to face it here in Canada, has a great deal of weight with me as I try to take an objective view of it. If they, in a worse predicament than we are, make no change, it seems to me as far as we are concerned we ought to make certainly no change towards release of lotteries, but I would like to see us strengthen our hand a bit the other way. One of the things that disturbs me very much as I view this as a moral, and financial question too, is the way in which both the press and the radio play up in headline stories the success of the people who get these large prizes. They are heralded as if they really have done something, although actually, to my understanding, they are law breakers and have done something that should not have been done. And, there are some people who beat the customs, but we would think it very serious if the radio or the press played up the fact that someone had gone abroad and come back with a parcel of diamonds or something and had got away with it. We would think that that would be a serious form of publicity of something on which we have standards which we hope to maintain. I do hope that if the committee feel that the law is good and should be maintained that there would be some way to have it brought to bear and put a quietus to this kind of storytelling by the press and radio.

Hon. Mr. ASELTINE: You would curtail the freedom of the press in that respect?

Rev. Mr. SMITH: That is something I would like to talk about on the other side of it. I believe in the free press, but I believe that there are ways in which both the press and the radio—let me put it this way: I know the men of the English press in our own city are sincere and trying to do the right thing, and if they had a suggestion to deplore and cut down on that kind of publicity they would agree.

Hon. Mrs. HODGES: May I point out, as a newspaper woman of long standing news consists of what is unusual and it may be the very fact that it is so unusual for people to win prizes in these things that they are played up in the newspaper.

The PRESIDING CHAIRMAN: Perhaps it is our concept of news which should be changed.

Hon. Mrs. HODGES: Perhaps.

The PRESIDING CHAIRMAN: All newspapers do not carry these accounts you refer to. Some will not carry them.

The Rev. Mr. SMITH: I am glad to know that.

Dr. MUTCHMOR: There is one comment before you adjourn. It is the question of enforcement which has come up in this committee. We would like to draw your attention to a paragraph on page 23 of our report that in Toronto proper, for example, the raffling of a car is not permitted. As soon as a car appears on the street and the police get the information that car is compelled to stop doing business. Now, I have had a fair amount of experience and I want to pay tribute to our Toronto police. All I have to do is to pick up the phone and inside of five minutes the police are there and the car is taken off the street. That is not true in our suburbs, and is not true as has been related in Windsor. If this can be done by Toronto police—there are no cars as far as I know on Montreal streets, so the police in Montreal must have that rule. North Bay is very strict about the matter. Long ago Winnipeg got rid of these cars. Other communities could be mentioned. If law enforcement officers in some small and large centres can do this, then this can be done in other parts of Canada, and we would like to submit that more active law enforcement will get very much desired results.

By Mr. Fairey:

Q. Is that restriction in Toronto due to the prohibition on the use of the city streets for selling purposes, and could they evade that rule by going into private property like a vacant lot.—A. That stems very largely from the good record of General Draper. He had no use for gamblers; he hated them, and the minute they came within his area they had to get out in a hurry because he knew this kind of operator always makes for trouble both within the police force by way of corruption and in the community. Now, his successor, Chief John Chisholm is of the same kind. Even as late as last Saturday I saw a car near St. Clair and Yonge and I phoned station No. 5 and out it went.

The PRESIDING CHAIRMAN: What you mean is that it can happen in Toronto, but they stop it?

Dr. MUTCHMOR: They do not put up a wall or gate to keep them from coming in, but as soon as a report comes to them they act at once. We want to pay tribute to that police force.

Hon. Mrs. HODGES: In the case where the car is taken off the street, are they permitted to take a car on a private lot and carry on?

Dr. MUTCHMOR: I would not like to be questioned too closely about this, but a musical organization recently thought that it would be a good way to augment their funds. They happened to have had so many tickets sold in the Toronto area that the police thought it had gone too far and could not be stopped.

The PRESIDING CHAIRMAN: Then it has happened in Toronto?

Dr. MUTCHMOR: I was pointing out that cars are not raffled on the street. This special case I refer to was of a car on which tickets were not sold on the street. The police got in touch with the city solicitor and the solicitor

wrote a letter on behalf of the city to the organization calling their attention to the law. I wrote on behalf of the United Church to that solicitor, and then I had a phone call from the morality department that the president of this organization had been brought into the police station and informed about the law. Now, I submit, Mr. Chairman, if a large city like Toronto can do that, it can be done in other places.

The PRESIDING CHAIRMAN: What did they do with the car?

Dr. MUTCHMOR: That car has been or will be raffled. It is an exception that proves a good rule.

Mr. SHAW: Have you encountered the situation where if it is a local body raffling a car, nothing much is done, but let an outsider come in and see how quickly they will pounce on him?

Dr. MUTCHMOR: We have used those tactics too, Mr. Chairman.

Rev. Mr. RAE: Mr. Chairman, there are one or two matters. When I came to this city I found many things being done—

The PRESIDING CHAIRMAN: That is to Ottawa?

Rev. Mr. RAE: Yes. I came from Vancouver. I found some things happening here that do not happen in Vancouver and I asked the reason why and they said: this is a very patriotic city. I said that Vancouver is equally patriotic too. I said, how about the enforcement of law with reference to bingos? We do not have to deal with that in Vancouver. How do things happen here the way they do? I enquired of the police and the attorney general and I had this communication from the deputy attorney general which indicated why there were so many:

The Criminal Code contains a number of exceptions which permit lotteries, bingos and other forms of gambling under certain circumstances and conditions. You may know that the police in Ottawa prosecuted a person for conducting bingo games on behalf of a service club for charitable purposes every night for a week. The magistrate convicted but the court of appeal set aside the conviction on the ground that it came within the exception.

The exception in the Criminal Code is not that a charitable organization may occasionally conduct a bingo game for charitable purposes, the exception is in connection with the use of a place for holding such games.

The PRESIDING CHAIRMAN: Could we have that letter?

Rev. Mr. RAE: You may have it, and I think it makes reference to section 226 of the Code, and I think that is a very serious word "occasionally". I might cross the street perhaps occasionally in a day and it is perfectly legal to interpret that as several times a day, or in a year, or several times in a lifetime. That word becomes a problem and should be looked into. Here the theatre people were greatly disturbed about the loss of revenue. They were offering quite a legitimate business to the public and found themselves losing seriously. I think that is something that should be looked into, and the theatre people should have an opportunity of saying something themselves. No doubt they can defend their own case.

The PRESIDING CHAIRMAN: Representation has been made by the theatres and we hope at some time to hear them.

Mr. BLAIR: They also run contests.

Rev. Mr. RAE: Whenever the people who administer the law make up their minds to do something it is done with respect to taking cars off the street and selling tickets. For example, one or two of the outside municipalities endeavoured to make sales and did so for years until the authorities bestirred

themselves and said nothing doing; you cannot come in from Kemptville and sell tickets to us here, we will not allow it in the city. They could go further in administering the law as in some cities they do and I would say with the cities I am familiar with they are very stringent in the matter. If Attorneys General give solid support in matters of this kind we could expect better administration in other parts of the country where it is weak. If you travel to some of the smaller places in the summertime it is just an open fairground. I think perhaps all the other matters have been touched upon in the presentation and perhaps this is all I might say at the moment.

The PRESIDING CHAIRMAN: Gentlemen of the panel I wish on behalf of the committee to express our thanks and appreciation for your attendance here today to assist us with this very delicate subject with which we are dealing. I know you have gone to great personal inconvenience to be here and we thank you very much for your assistance.

Dr. MUTCHMOR: Madam and Mr. Chairman, we wish to thank you and the other members of the committee for your kindness in receiving us and for the time you have given to the consideration of the brief from the United Church of Canada.

